No. 18-281

In the
Supreme Court of the United States

VIRGINIA HOUSE OF DELEGATES, M. KIRKLAND COX,
Appellants,

v.

GOLDEN BETHUNE-HILL, et al.,
Appellees.

On Appeal from the United States District Court for the Eastern District of Virginia

JOINT APPENDIX
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(Defendants' Exhibit 117)

[3] NOTE: The hearing proceeded at 2:21 p.m. Roll was taken and the following was had:

MADAM CHAIRMAN: We have three pieces of business to do today. The first is, we have some appointments from the governor that I would hope that we would approve.

We also have criteria for our senate redistricting. This will be a P & E resolution. There are two that have been submitted so far.

And thirdly, we have criteria for congressional redistricting. And I have introduced a proposal for that.

So if we might begin first with the governor's appointment.

SENATOR WHIPPLE: Madam chair, I move that we confirm 5,001, these are appointments to the Chesapeake Bay Bridge and Tunnel Commission, two appointments. Aubrey L. Layne, Jr. and J. W. Salm: And an appointment to the State Lottery Board, Albert H. Poole.

Is there a second?

SENATOR MARTIN: Second.

MADAM CHAIRMAN: These appointments [4] recommended confirmed.

I just wanted to check with staff that indeed the required paperwork has been submitted.

MS. SPAIN: Yes, it has: And the paperwork was nominations and confirmations subcommittee, so the resolution is ready to report.

MADAM CHAIRMAN: Okay: Are there any questions or comments on this?

All in favor of reporting the appointments say aye.

NOTE: Various members of the panel said aye.

Anyone opposed? No response.

MADAM CHAIRMAN: Okay: That passes.

The next item of business will be criteria for state senate redistricting: As I said, we have two proposals: This will be a privileges and elections committee resolution as it's been in the past: Once it passes us today, hopefully, it will be the criteria against which the various plans which they need to [5] conform to.

We have Senator Watkins here he introduced one.

And Senator, if you would like to speak to your proposal.

SENATOR WATKINS: Thank you, Madam chair, members of the committee.

I introduce senate resolution number 502. This resolution is not very dissimilar to resolutions that were introduced and accepted some ten years ago when we looked at redistricting before: There are a couple of noteworthy points of deviations of difference. One of them being with regard to the amount of deviation: This resolution draws down the deviation to one half of 1 percent: That is doable in this day and time.

I think that if you look at the criteria that we utilized the congressional plan as I understand it that's coming to us from our friends north of the tunnel is actually down to individual numbers of people which are much much less than even one half of 1 percent.

I think it's worthy to note as well that the lesser number of districts that you have [6] the easier it is to draw down that percentage of deviation: I'm not certain, I did not attend the meeting up the hall, but I think that the house adopted a 1 percent deviation up there this afternoon for the district lines with the house plans: I would hope that we can do better than that being one and a half or times smaller we should actually be able to draw it down to lower.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: Senator Watkins, since I didn't have the privilege of being in this spot ten years ago, could you educate me as to whether or not this was adopted ten years ago; and if not, was it proposed; and if not, why not?

SENATOR WATKINS: This resolution?

SENATOR McEACHIN: With your population deviation?

SENATOR WATKINS: No: That was not the deviation at that time.

SENATOR McEACHIN: Was it proposed?

SENATOR WATKINS: I do not believe that it was. [7]

SENATOR McEACHIN: Can you tell me why it wasn't proposed?

SENATOR WATKINS: I have no idea why it was not proposed I was not on the P & E Committee at that time.

SENATOR McEACHIN: Different series of questions, Madam Chair.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: Senator Watkins, since this would be a change in how we draw our districts would it not have to go through DOJ for preclearance?

SENATOR WATKINS: I think this entire proceeding here goes to DOJ.

SENATOR McEACHIN: But I'm talking about if we were to adopt this particular resolution as versus doing what we have done in the past, would that not require preclearance?

SENATOR WATKINS: I think that this would be a part of the submission to DOJ.

SENATOR McEACHIN: So it's your opinion that this resolution in and of itself would not have to go to DOJ?

SENATOR WATKINS: I do not think so.

SENATOR McEACHIN: I differ on that. [8] Thank you, madam chair.

SENATOR PUCKETT: Madam chair.

MADAM CHAIRMAN: Senator Puckett.

SENATOR PUCKETT: Senator Watkins, do you have any idea what this might do to the rural areas of the Commonwealth? It seems to me -- and I wasn't a part of what happened in 2001 either, but it was extremely difficult at that time to try to meet the 2

percent deviation without splitting communities wide open.

In the southwest, for example, I have a town that's split three ways in the voting block, whatever those are called: I'm sure that's not the right word: Census block.

Thank you.

It seems to me that the tighter you make these deviation the more problem we are going to have in the southwest of splitting up counties: And some people drive a long ways, I can sympathize with people in the cities or, but in the rural areas if you start splitting these things up a lot it seems to me it's going to be very difficult for people who are going to vote.

At one time we were 5 percent then we went [9] to 2, which created some problems for us particularly in the rural area: I wondered if you looked at that.

SENATOR WATKINS: Senator Puckett, I did.

And the one difference that exists today that did not exist ten years ago, and this -- I will say this is the fourth redistricting that I have been to: And when I first got elected in the House of Delegates we had done redistricting that was a plan prepared by the then majority of the House of the Senate in a house that had multiple other districts: As you can well imagine that didn't pass scrutiny. The deviation if I remember correctly was something like 5 or 7 percent, somewhere in that nature.

So we had to run for reelection three years in a row because of the court battle. And the party in power at that time didn't want to do away with multi-member districts: As a matter of fact they left them in Norfolk

and it got ruled invalid: So we had to go back and do it all over again: And then the governor at that time had just been elected into office was Governor Dalton and he attempted to try to get [10] the same amount of districts.

But all of that said, I worked with that and was involved with that at that time. Subsequently, I was in the House and I was on House P & E when we did the next redistricting in '90: I also was involved in redistricting ten years ago: If you remember ten years ago in the Senate of Virginia we didn't have computers: We weren't even allowed to use them because the email was thought to be something that was, had to fall under the Freedom of Information Act: So we did not have the technology at that time that we have today to do this redistricting.

MADAM CHAIRMAN: I'm wondering if perhaps you misspoke or if you didn't.

SENATOR DEEDS: 2001 we had computers. You guys had the computers.

SENATOR WATKINS: We didn't have very good ones did we.

SENATOR DEEDS: But they did, you had the computers.

SENATOR WATKINS: They did not, the computers I'm talking about we didn't have them available to us at each of our desks and [11] frequent use: We had computers: They were not very good: And there is a little irony to this because it seems like every time that a party is in charge of redistricting they suffer from it: And we have been there too.

NOTE: Senator Northam has just arrived.

MADAM CHAIRMAN: Excuse me: I'm sorry.

SENATOR PUCKETT: Let John finish then I have another question.

SENATOR WATKINS: I just wanted to assure Senator Puckett that in attempting to look at what we need to do here and even with the half percent deviation I am certain that it can be done and that in deed we will split fewer jurisdictions than are currently split around Virginia: And the primary beneficiary of that is going to be the rural parts of the state.

SENATOR PUCKETT: Madam chair.

MADAM CHAIRMAN: Senator Puckett.

SENATOR PUCKETT: I'd certainly like to see that: Because I don't share that belief.

It seems to me the tighter you ratchet [12] this thing down the more difficult it is to keep jurisdictions together: Because you've got to go pick from one or another to make everything work a half of a percent: Obviously the best way to do that is increase it then you have an opportunity to keep communities together: If you ratchet this thing down to half of a percent there is going to be, I believe, more: I may be way off, but I believe there is a whole lot more precincts that are going to be split than you would if you had 2 percent or 5 percent: But I would certainly like to see those figures, if that's the case.

I may be wrong.

SENATOR DEEDS: Madam chair.

MADAM CHAIRMAN: Senator Deeds.

SENATOR DEEDS: I was struck, Senator Watkins, by a statement you made a minute ago about the party that's in the minority suffers every time.

SENATOR WATKINS: In the majority suffers.

SENATOR DEEDS: If we stick with the criteria that the majority ten years ago adopted of 2 percent deviation, which was down from 5 percent in '91, if we stick with [13] 2 percent what's the big deal: If it was good for you in 2001, why isn't it good now?

SENATOR WATKINS: If the capability is there to take it to a lower deviation that emphatically underlines the need and the purpose of one man, one vote: The tighter we get it the more important the equal representation becomes.

SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Yes: Senator McWaters.

SENATOR McWATERS: I wanted to stay on that discussion for a second just to make sure I understand the math: We are talking about a 2 percent deviation which could mean some districts are 4,000 up and some are 4,000 down that are right next to each other right. Versus this, now the House of Representatives is at zero percent; is that correct, 11 positions?

MADAM CHAIRMAN: That's true.

SENATOR McWATERS: We are trying to now down the hall they are shooting for 1 percent as well: Those are the facts, right?

Maybe, Senator McEachin, I think you can help me with this history: This issue is going back [14] have we seen a continued movement that we've seen from 5 percent to 2 percent: I don't know historically the

house numbers perhaps you or others that have been here longer know how the house numbers have migrated; do we know that?

SENATOR McEACHIN: I don't know the answer to that question: I do know that ten years ago the Senate of Virginia adopted a 2 percent deviation: I think the technology was there to do better than that should the Senate chosen to do better than that if you consider less to be better: I am of the firm belief that should we adopt something different than we did in 2001 it will have to go to DOJ for preclearance: If it does not go to DOJ for preclearance I think we open ourselves up to a lawsuit and perhaps even having the matter thrown back to us for the simple fact we didn't preclear the percentages that we are using.

SENATOR McWATERS: I think our first objective of the committee is to look at the good government I suppose: Our objective is not to pre-think what the DOJ is going to do or presuppose what they are going to do. [15] It's our objective for this committee is to come up with the best redistricting maps we can for the voters in Virginia: So one person, one vote representation.

To have these 8,000 swings seems to me in today's technology if the United States House of Representatives can accomplish a zero variance if the House of Delegates can accomplish a 1 percent variance, why can't we be somewhere in the middle of the those two when we have forty districts compared to 100 districts: And look at the math and in progression of the math it seems reasonable that for a good governance this half percent makes sense today with the technology that we have.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: In terms of technology we had the technology ten years ago to do 1 percent or half of a percent: I think certainly the computers might have been slower and used different wires and gismos, but certainly they had the ability to do that.

Furthermore, I would suggest to you that it is part of our concern to look at what DOJ [16] will do: That is part of our good governance. It is my opinion that, one, if it was good enough ten years ago it's certainly good enough now in terms of the deviation.

And two, I think we need to move on with putting together a plan that's good for Virginia, good for the voters of Virginia and serve our common interest of the good governance and not slow things down by having to submit something like this to the Department of Justice.

SENATOR McWATERS: Madam chair, if I could continue on that.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: I'm just trying to understand why is good governance better if there is an 8,000 shift versus if we now can, using technology: I understand that ten years ago things were done different in a lot of ways 20 years ago more different: But we are here today here to help for a next ten years we are solving the problem for the future not to rectify the future trying to figure out how to get a best governance going forward: We have the technology that 8,000 shifts in these [17] districts which may create lines that are not good government lines that

we should do our best with the technology we have to adopt this particular resolution.

I'm sorry, madam chair.

SENATOR VOGEL: Madam chair.

MADAM CHAIRMAN: Senator Vogel.

SENATOR VOGEL: This is not in the form of a question to the patron but more in terms of a comment: And I think in response to what the Senator from Henrico had said: That was what was the major difference between redistricting ten years ago and redistricting today.

And I think that there is one important issue and that is having consulted with the patron when we were working to come up with the resolution criteria: It wasn't anything weird or strange about going from a 2 percent or half percent: It was merely an effort to accommodate, but states have struggled to accommodate in the last ten years in the last redistricting: And subsequent court cases the Larios case being one of those: The Larios case they had an issue of the much bigger deviation than what we are talking about now. [18]

What the court continued to say about their deviation is that they are looking for a small deviation as you can possibly accomplish. And so I just wanted to address that: And that really is the rational behind bringing that deviation lower.

Your comment about going to DOJ really had not occurred to me that might ever be a barrier: My sense would be that the Department of Justice would say that is more reflective of a fair division of districts the

closer that they are to a proportion that is consistent of one person one vote the better that would be.

In my view I consider that to be a good thing.

I think genuinely my motive in working with this I hope this is a process that works through amicably and we are successful: But at the end of the day putting something forward that is more fair and that has a better shot at making its way through: One of the few states were we have elections this year I think it is helpful to be mindful of those considerations and certainly to be mindful about what the courts have said.

I just wanted to address that as being one [19] of the significant difference between where states were last time when they drew their lines and where states find themselves now.

And they are struggling to make those adjustments from prior redistricting to include criteria that substantially lower that deviation.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Senator McEachin and then Senator Martin.

SENATOR McEACHIN: I'd ask Senator Vogel, in the Larios Case, aren't we talking about a deviation higher than 2 percent?

SENATOR VOGEL: I believe that is accurate: That deviation was, I believe, 5 percent: What the Court said then and that's been upheld in subsequent cases where they said, now you do have new technology where you have the abilities to draw deviations smaller. And they listed a number of

criteria that really are not justification communities of interest certainly isn't justification for deviation.

I would make one observation: In particular with rural districts: I represent a [20] largely rural district and one of my concerns is with every redistricting rural districts suffer from because they, by definition, populations grow in urban areas around the state: My sense would be if you have a community of interest issue, where you are trying to protect a community if, in fact, you have enough of a population difference that community would warrant representation by two members versus one member I don't see any scenario that would have negative impact or disproportionately negative impact on the rural communities: I wanted to follow-up and make that comment.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: The question of counsel either Jack Austin or Mary Spain best suited to answer this trying to get the facts on the table here: I know you are best suited to answer this.

In an effort to over the last forty years there has been especially a growing effort to try to make sure we get down as best we can one man, one vote rule: That's what the one man, one vote and to provide equalization among the [21] districts: Gradually we have migrated in those numbers.

When I first came here several redistrictings back trying to get far down under 5 percent and then it shrunk from there.

What is the history: What have we moved in the last four redistrictings since '81.

MS. SPAIN: Since '81, '82 the series of three elections in a row the deviation in that house I think was 23.7 percent: The Mayland case upheld at 16 percent on rational of the Virginia held all of its whole country and City didn't split anything then the 5 percent predominated after we went to single member districts and it was plus or minus 5 percent.

Last go round in 2001 house and senate committee criteria took 2 percent on, I think the rational that that protected them against challenges from people with lesser deviation plans it honored one man, one vote: And so we were at the 2 percent, up 2 percent down in the committee resolutions from 2001.

SENATOR MARTIN: Just a follow-up.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: So we are actually to try [22] to assure one man, one vote to make sure that we have equity in voting strength: We really sought to get as close to zero as possible as close to practical is that what we are trying to do.

MS. SPAIN: In 2001 we went to zero population on congressional: I think it was 19 people down 23 people up among the congressional always a zero deviation figure showed on the reports in congressional.

Technology was there to go to zero ten years ago.

MADAM CHAIRMAN: Is it not true though that the Supreme Court has had different standards for congressional and state: My understanding is congressional must be exactly even but the states it seems to be they are permitting a variation a deviation of 5 percent of 5 percent down.

MS. SPAIN: There is Supreme Court language indicating the plus or minus 5 percent is not a safe harbor but a prima facie valid deviation: When you get into court and challenged by plans with lower deviation that plus or minus 5 percent may not hold us as in [23] the Larios case.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: Continuing with the question, Mary, you are doing fine: In that case, again, it's a trying to make it as equalized as possible, knowing full well it becomes less equal: You wouldn't see that the justice department would be concerned about us doing better than 2 percent would they.

MS. SPAIN: I don't think that the Justice Department is concerned with a deviation: They approved the 16 percent plan, they approved the 27 percent plan: I think justice looks at their sections or section five non-retrogression and minority voting and strengths issues rather than deviations.

SENATOR MARTIN: So in that case it's not going to be an issue of deviation its that question of the minority make-up of those matters just raised not the deviation itself.

MS. SPAIN: That's rights: I think deviation at the Justice Departments review is not the primary focus at all.

SENATOR MARTIN: This is final: It's an observation I would not expect at the Justice [24] Departments would have a concern that we've done better than 2 percent: The question is what we've done with that whether the criteria we had to resolve that.

I would note that the difference between a half percent lets go with the mathematical equivalence: The house is able to do one percent: The mathematical equivalent for the Senate would be point four, being two and a half percent larger: I would call your attention to the fact that the difference here is between 8,000/ 4,000 higher in one district 4,000 lower with the swing of 8,000 from one district to another as opposed to 1/4th of that under the Senator's criteria, Senator Watkins 1/4th of that a which would be the possibility of a 2,000 swing: 1,000 high/1,000 low: I recognize the concern: And I will stop here. I recognize the concern in rural areas but the truth is I believe that you will find that and I know it can be done, you have quite the division that you think you would have: And also in those larger jurisdictions, for example, Virginia Beach and other such jurisdiction around the state. [25]

If you stick with the tighter representation in fact if the jurisdiction is large enough to have that great of an impact where its 8,000 people that are having to be divided its significant enough probably to benefit from having two centers instead of one.

MADAM CHAIRMAN: Senator Watkins, we started asking questions and I'm not even sure you were finished with your presentation: Did you have anything more you wanted to say?

SENATOR WATKINS: Madam Chair, I think most of the rest is pretty much self explanatory.

SENATOR DEEDS: Can I ask a question?

Except for that 2 percent half percent deviation, are their differences in this criteria from the 2001 criteria.

SENATOR WATKINS: I think that perhaps the only terminology on line, beginning on line 34 Voting Rights Act Preclearance is a little more specific to section five of the Voting Rights Act nuance, if you would.

MADAM CHAIRMAN: Are there any further questions for Senator Watkins?

I think what we will do is then we will [26] look at the proposal I have put forward and then we will ask if the public has any questions -- excuse me, comments on what we are talking about, and then we will have some votes.

SENATOR WATKINS: Thank you, Madam Chair.

MADAM CHAIRMAN: Thank you Senator.

What I have put forward is identical to P & E resolution of ten years ago with one difference and that is we have added under the court cases, the Wilkins versus West case that happened in 2002: So it was subsequent to those redistricting criteria, otherwise it is identical as having been assumed during this discussion: It has the two percent deviation plus or minus two percent: It does highlight the importance of following the Voting Rights Act, makes it a very high priority: Talks about a continuity and compactness it does allow continuity by water as it did ten years ago: It requires single member districts: And it outlines the variety of the community ease of interest: I believe that language is identical to Senator Watkins's language.

And it says when the criteria have a need [27] to be prioritized the Voting Rights Act state a constitutional requirements are given priority and

that is basically what it is: It is similar to some of us who were here ten years ago.

Are their questions on that?

Not hearing anything: Is there anybody, anyone in the public who would like to comment on either of these or in the criteria in general?

AUDIENCE MEMBER: Good afternoon, members of the committee: I'm Lisa Guthrey: I'm the executive direct of the Virginia League of Conservative Voters: I'm here to talk about our interests in fair redistricting: Our organization has been a member of the redistricting coalition in Virginia for three years: Our coalition brought together faith business conservation and civic organization to promote reform of the Virginia redistricting process.

Our coalition made it possible for the student line drawing competition: You may have heard about some of that earlier in the week. They did an outstanding job: Our coalition [28] also ethicated legislation to institute a bipartisan commission: When that legislation failed in the House of Delegates we asked Governor McDonald to advance the commission we are pleased he did and we appreciate the efforts the commission made to hear citizen comments around the state.

Why did we advocate for a different approach for 2011: We believe Virginia deserves the following: Number one, fairly drawn districts to create more competitive elections which have a 51 percent higher voted turnout: Virginia needs competitive elections to remain at the forefront of the nation.

Number two, districts should reflect our communities: District boundaries should be compact keeping our communities together.

Number three, allow transparency and citizen input to instill a greater sense of fairness and accountability in the process.

Number four, incumbent protection should not be a ruling factor: Citizens should have a choice to select their elected officials.

In addition to these four overall objectives we have some other questions and [29] considerations that I bring to your attention.

One, the public, even though this is very much at the forefront of your deliberations the public still for the most part is not aware of this redistricting process, and if they are aware of it and wish to participate that may not understand that the criteria that the government provided for the commission may be different than the criteria at the privileges and elections committee may adopt.

In other states citizens have access to the legislative computers and line drawing software themselves: Our citizens may be unaware of the very abbreviated public comment hearing leading up to the special session on April 4th.

The governor indicated that he wants districts to be nearly equal to the population there of every other district as practicable.

The means the district should have a very small population deviation as you have been discussing.

The house plan that they voted on has an overall deviation of 1 percent stricter than the two percent

they adopted ten years ago. [30] And the governor indicated that he wants all districts to respect the boundary lines of existing political subdivision where counties and cities divided among multiple districts to be minimal.

Some of these criteria and goals seem to contradict one another: We know it's difficult to draw districts that have minimum population deviation and not divide counties and city and also preserve communities of interests.

Finally, the governors criteria states that all districts shall be composed of contiguous and compact territory: The state constitution also required that districts be contiguous: 20 years ago the definition required districts crossing water bodies to have at least a tunnel, a road, a bridge or a ferry to connect separate land masses: That requirement was eliminated ten years ago: And we think it makes sense for districts to be connected in a way that residence will be able to travel from one point to another without having to go through an intersecting district or at least be able to get to that other district conveniently.

[31] Again, I thank you for your hard work, your deliberation on this: We are under a tight timeline, I recognize, because we have elections this year and many other states do not: But I wish the public had more of an opportunity to participate in this very important aspect for our democracy.

Thank you, madam chair.

MADAM CHAIRMAN: Thank you, Ms. Guthrey.

SENATOR McWATERS: Madam chair, if I could ask Ms. Guthrey some questions.

MADAM CHAIRMAN: Are you willing to answer questions?

MS. GUTHREY: Certainly.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: Thank you for your presentation: Well done: The student competition it was a competition I guess you called it, right?

MS. GUTHREY: Yes.

SENATOR McWATERS: Was that done ten years ago?

MS. GUTHREY: This was the first time this has been attempted: We had 16 teams from various colleges and universities participate.

[32] SENATOR McWATERS: I read about it in the paper and I noticed winning partis UVA, William & Mary and other colleges: It looks like a neat process: So I assume that this computer line drawing technology then wasn't used ten years ago, if the students didn't have the test: My question is if they had the test that Senator Watkins issue of the line drawing technology that can even be done yourself: I tried to draw them but it didn't work to well for me.

I have a question and I don't know the answer so it's not a leading question: What was the deviation for the winning student; do you recall?

MS. GUTHREY: Keep in mind the students did not keep any of the current districts in mind: They started from scratch many of them and did not consider incumbency at all: With that elimination they were freer to select deviation: And some of them had deviation some of them had zero deviation.

SENATOR McWATERS: How about the winners?

MS. GUTHREY: I think the winner of the overall congressional had no deviation: I [33] don't remember what the UVA team.

SENATOR McWATERS: What about the senate?

MS. GUTHREY: I do not recall what their deviation was.

SENATOR McWATERS: Thank you.

SENATOR WHIPPLE: Madam chair.

MADAM CHAIRMAN: Senator Whipple.

SENATOR WHIPPLE: First observation and then question: Something I have been proud of over the last several years that the senate has adopted a bill that would require a bipartisan redistricting commission: That's always failed to make it into law: Even people who said that they would support it didn't end up doing that.

I'm assuming that and I think I'm correct on this that your group had supported that bill for a bipartisan redistricting commission.

MS. GUTHREY: That's correct: We were thrilled to have Lieutenant Governor Bowling,

Senator Deeds, Attorney General Cuccinelli, a number of supporters in the senate. Unfortunately we were not able to be successful on the house side and that's why we appealed it to Governor McDonald to create the commission.

SENATOR WHIPPLE: The advisory group.

[34] MS. GUTHREY: Advisory: And hopefully in another ten years we will continue to work on it.

SENATOR WHIPPLE: Thank you.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: Do you have an opinion or does your group have an opinion as you weigh the options between a deviation as under 2 percent and as you compare that to need to keep communities of the interest and subdivisions together? Have you had an opportunity to prioritize whether it's more important to keep the communities together or to lower the deviation.

MS. GUTHREY: Our group, the Virginia Redistricting Coalition has not taken a position on that: So obviously we have focused on communities of interest and compact and contiguous more-so than whether we have the magic number of 2 percent, 5 percent, 1 percent: We do think that you can't ignore the other just looking at the deviation.

You've got to have the other factors taken into consideration.

[35] SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: In your question imply that keeping communities of interest together and in tact somehow required a higher deviation: I'm not sure I would agree with that.

SENATOR McEACHIN: Senator, that wasn't implied in my question at all: My question was simply what their groups position was: Had they had an opportunity to prioritize it or not.

SENATOR McWATERS: Okay: I just wanted to --

SENATOR McEACHIN: -- there was nothing implied in the question.

SENATOR McWATERS: Okay: Thank you.

MADAM CHAIRMAN: Through the Chair, please.

SENATOR MARTIN: Madam chair.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: Since it wasn't implied there I suggest that would be a false choice as to having to choose between those two things. That you may not have to choose between a lower [36] deviation and keeping the communities together.

MADAM CHAIRMAN: Okay: Yes.

A CITIZEN: Madam chairman, members of the Committee: Claire Guthrey on behalf of myself as private citizen today: I wanted to put a couple of things on the record looking backward at history is sometimes not a good thing to do is sometimes it is: I think looking back on '91 is differentiating it for 2001 I would hope this committee would look at and think about in a positive way for a number of reasons.

One, I just wanted to, A, point out to the process in '91 was different in that the criteria were available to the public May, before the general assembly session: In other words a year before the time that it was taken place now: In 2001 that time period was truncated as it has been this year to the point where a criteria available to the public less than a week before their decisions are going to be made.

In addition on the substantive side of the criteria in addition to changing the standard of equal representation to plus or minus five to plus or minus

two: There were several major [37] changes made in 2001 not all of which, I personally believe were not positive in there affect on the citizens of the Commonwealth.

The first is that we change the standard for contiguity by water, Ms. Lisa Guthrey pointed out: In '91 the criteria stated the districts shall be composed of contiguous territory which language is in the resolution that you are looking at: But it went on to say that contiguity by water was defined as, quote acceptable to link territory within a district in order to meet the other criteria stated herein: In other words communities provided reasonable opportunity for travel within the district: That limitation of the contiguity by water was abandoned in 2001.

I think personally the standard it's now the standard that it is sufficient period without limitation: And I think that's related to unfortunate line drawing as Senator McEachin may remember from his house district particularly.

In addition the 2001 criteria abandoned the long standing policy of the Commonwealth against splitting political subdivisions: The [38] '91 criteria and criteria before '91 stated explicitly plans should be drawn to avoid splitting counties, cities and towns to the extent practicable and precincts should serve as a basic building blocks for districts when it is necessary to split any county or city.

The 2001 criteria included the language that's reflected in this resolution that says that local government jurisdiction may reflect communities of interest that are not entitled to greater rate than any other identifiable community of interest: I think that

was something that -- was not something that moved us forward in a positive direction.

And then the 2001 criteria changed the standard self for preserving communities of interest: In '91 previously criteria stated that quote consideration shall be given to preserving communities of interest: The 2001 criteria had the language reflected here that says inevitable that some interests advanced more than others by choice of particular configurations and discernment way balances should be left to the elected representative.

And, finally, the 2001 criteria eliminated [39] explicit requirements for input from the group.

The '91 criteria and criteria before then stated explicitly quote, the committee seeks the participation of minority group members and redistricting process: A minority group member shall be afforded a full and fair opportunity to participate in the process leading to the adoption of a plan: In 2001 that explicit criteria for participation was eliminated to the detriment of the citizens of Virginia.

Sometimes when we move forward it isn't always in my view a positive move forward: I hope you think a little bit about what was on the table in '91 and previous years: Maybe there are some traditions that are worth preserving as we move forward in 2011.

Thank you.

MADAM CHAIRMAN: Yes.

A CITIZEN: Madam chair, committee members, my name is Carol Noggle and I am representing the League of Woman Voters of Virginia today: And I really appreciate the opportunity to speak to you about

this: I'm not going to speak to the population deviation issue, but I am very concerned about public [40] awareness and public input: So I do appreciate the hearing that will be taking place throughout the state starting next week I believe.

But I really believe that had we not had the governors bipartisan commission there would be far less interest from the public: I think awareness has heightened but not enough.

One of our goals would be to have more of the public have access to the maps, not only the maps themselves, but the rational for the boundary lines because that explanation, I think, would help a great deal: So when the maps are available if that can be part of it to include a narrative of the rational for the boundaries for all of the senate, house and the congressional districts.

And would it be possible that there will be more than one map so there will be comparison, possible, and to provide that opportunity: So I appreciate that and would certainly urge for that's to happen.

MADAM CHAIRMAN: Thank you: On your web site, the Division of Legislative Services various proposed maps will be posted: So the [41] public will be able to review those.

SENATOR OBENSHAIN: Madam chair.

MADAM CHAIRMAN: Senator Obenshain.

SENATOR OBENSHAIN: Does the chair wish to let us know when those maps will be posted.

MADAM CHAIRMAN: We have been -- we are not sure is the bottom line: We are not sure.

We are still working on proposals and any proposal that are introduced will be posted.

SENATOR OBENSHAIN: Madam chairman, I appreciate what the lady from the League of Woman Voters said: And I concur in her concern about public awareness: I know we are scheduled to convene in April 4 for purposes of starting and concluding this process: Does the chair expect us to see a map next week?

MADAM CHAIRMAN: We are definitely working on it: I have been reflecting back on ten years ago when no one saw the map: No one read proposed criteria until the day we came back into session for the redistricting session: We are working diligently to try and get things prepared before that.

And of course now we are doing the criteria ten days earlier.

[42] SENATOR OBENSHAIN: So at least the day before?

MADAM CHAIRMAN: We are working on it.

SENATOR WHIPPLE: Madam chair.

MADAM CHAIRMAN: Senator Whipple.

SENATOR WHIPPLE: May I just make an observation about the public hearing and congratulate the League of Women Voters for coming to the hearing held last fall: They were quite poorly attended: It is difficult when you do things in advance to get people to focus: So I really congratulate the league who was represented at all of the hearings last fall.

MADAM CHAIRMAN: If I may also say we have available a list of public hearings: Staff has made them

available: I believe there are eight throughout the state that we will be doing: We are trying to be as convenient as possible to the public under this extraordinarily tight timeframe.

SENATOR OBENSHAIN: Madam chair.

MADAM CHAIRMAN: Senator Obenshain.

SENATOR OBENSHAIN: Madam chairman, do you expect that maps will be available before the [43] public hearing?

MADAM CHAIRMAN: We are working on it, as I said before.

SENATOR OBENSHAIN: Thank you.

MADAM CHAIRMAN: Okay: Now is there anyone else who wished to speak: Okay: We have two -- I'm sorry.

A CITIZEN: Madam chair and members, I am Anne Sterling, also of the League of Women Voters of Virginia am very proud to have a colleague lobbing with me: My associate has proved very good at this: I just wanted to add that those of you interested in taking a look at the student maps, they will be available starting sometime today, perhapses by the time you go back to your cars: At the library of Virginia, they agreed to display them for the next week.

And we are hoping that a week from today we can display them in the General Assembly Building itself: There are 13 posters that display the winning maps from four different schools: And it turns out we need permission of the house and senate clerks and they in turn must get notes from the presidents of UVA and [44] William & Mary: So it's complicated to get them

over here to this building: But we are doing our best: We hope that you will take a look at the student maps.

MADAM CHAIRMAN: I'm delighted they are going to be on the web: So regardless of where they are posted they will conveniently be available on your computers.

SENATOR EDWARDS: I have a question.

MADAM CHAIRMAN: Senator Edwards.

SENATOR EDWARDS: Ms. Sterling, could you appear for a question? We heard about the contest and the winners: And I'm curious as to the criteria for determining the winners and who did the judging?

A CITIZEN: Well, first of all we distinguished judges from the American Enterprise Institute and the Trucking Institution, Thomas Mann and Norman Hornstein who, I believe, live outside of the Commonwealth, so they were neutral judges: And they came down to deliver their area opinions.

SENATOR EDWARDS: And just those two people, do they have to agree?

A CITIZEN: They did and apparently they [45] had no trouble agreeing: There were very outstanding maps submitted and the rationals were included as well.

It was very interesting in the contest the students were asked to draw two sets of maps. And most of the teams did comply with this. One that would produce competitive districts and the other that would not take competitiveness into consideration at all: And so that's why we have two sets of winners: One competitive and one just done to satisfied the other criteria.

Otherwise the criteria were quite close to criteria given by the governor to his bipartisan redistricting commission.

SENATOR EDWARDS: Madam chairman.

MADAM CHAIRMAN: Senator Edwards.

SENATOR EDWARDS: How does the governor's criteria differ from the two proposals we have before us.

A CITIZEN: I believe that the most important thing was that he asked that political boundaries be respected entirely. And so it was please do not start from scratch. And the students did in some cases and did not [46] in others.

But the requirement that each district must be connected by tunnel or bridge if water is involved was one of the governor's criteria.

SENATOR EDWARDS: What about deviation?

A CITIZEN: I believe the governor -- I will check, but I'm pretty sure he did not mention deviation: And there -- I will just tell you that in the work sessions of the governor's commission they had very interesting discussions about this: And one former secretary of the State Board of Education suggested that deviation may go up as high as 10 percent.

She gave the eastern shore of Virgina as an example: She said in many cases they may be happier having more of them share a state senator in order to have someone that represents all of them.

And I thought that was the kind of the thing that is interesting to contemplate that people themselves may be happy to have more of them in a district if it

gives them one person to refer to and feel they belong to.

SENATOR EDWARDS: Thank you.

[47] MADAM CHAIRMAN: Thank you: Anyone else?

Okay: We have then the two proposed sets of criteria: I'm looking forward to a motion.

SENATOR VOGEL: Can I make a comment before we take the motion?

MADAM CHAIRMAN: Yes.

SENATOR VOGEL: I don't want this deviation discussion to necessarily detract from what is our larger mission which is a good, clean, fair map that keeps and honors the boundaries of district counties and cities and towns: With that said, I did want to make that observation: I think it helps us when we go out into the public and we talk about the effort to draw fair maps.

I think all of us here were advocates of the bipartisan commission: We are all clearly generally the same bent there: I think it is a good thing to be able to tell the public we are mindful of that deviation.

And I know that Senator Watkins and I had a discussion prior to the conclusion of session about the resolution we would put forward.

Looking at the resolution being done last time and understanding that there would probably be [48] one resolution we were not aware of what the alternative proposal might be: But we looked at the 5 percent given what the case law has been and what we believe would generally be a pretty aggressive effort to

challenge us on our criteria and challenge us in the map that we draw.

And I think that at the end of the day we all benefit by trying to keep the criteria keeping it at a high standard.

Thank you, madam chair.

MADAM CHAIRMAN: Thank you.

Is there a motion?

SENATOR OBENSHAIN: Madam chair, I guess I move to recommend reporting Senate resolution number 502.

SENATOR VOGEL: Second.

SENATOR DEEDS: Madam chair, I make a substitute motion that we adopt the resolution proposed by the Chair: Unnumbered committee resolution.

MS. SPAIN: It would be Committee Resolution 1: It's a committee resolution that would take effect immediately as opposed to the senate resolution not effective until it goes [49] to the senate.

MADAM CHAIRMAN: So there is a substitute motion: Is there a second?

SENATOR McEACHIN: Second.

MADAM CHAIRMAN: Substitute motion has been moved and seconded.

SENATOR MARTIN: Madam chair.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: Could I offer an amendment to this: I would like to make an amendment to the

proposal: But I'm aware, since we don't have line numbers: I would like to offer an amendment.

SENATOR DEEDS: Madam chair.

SENATOR MARTIN: The unnumbered --

SENATOR DEEDS: Point of order, madam chair: Can there be an amendment to a substitute motion?

MADAM CHAIRMAN: No.

SENATOR MARTIN: I would like for the committee, since I was unaware that we were going to go at it this way. I expected to have something in front of me with a line item: I offer an amendment so I paused for to many seconds: I apologize: If you would [50] accommodate me I think we should have an amendment offered to the resolution that you can reject.

SENATOR WHIPPLE: Everyone would have to withdraw the motion.

MADAM CHAIRMAN: If everyone withdraws their motions we can do that.

SENATOR OBENSHAIN: I gladly withdraw my motion.

SENATOR DEEDS: I withdraw mine.

Madam chair, I move we adopt the resolution, committee resolution one.

MADAM CHAIRMAN: Is there a second to adopting the committee resolution one.

SENATOR WHIPPLE: Second.

MADAM CHAIRMAN: The move is seconded.

Now, the amendment.

SENATOR MARTIN: I would like to offer an amendment to that, if you could draw my attention to the language that sets up to deviation.

SENATOR McEACHIN: Section one.

SENATOR MARTIN: In that case, lines 21 and 22 of Senate resolution number five, I would like to have inserted as a new deviation [51] paragraph on committee number one.

MADAM CHAIRMAN: Just so I understand and staff understands, you want to actually insert the language or do you just want to change it to plus or minus 1/2 percent?

SENATOR MARTIN: That's the problem: Just change that to 1/2 percent.

MADAM CHAIRMAN: All right: So we have a motion for an amendment to change it to plus or minus 1/2 percent; is there a second?

SENATOR VOGEL: Second.

MADAM CHAIRMAN: It's been moved and seconded: Is there discretion on this.

SENATOR MARTIN: Speaking to it there is a significant difference there: We are technologically we are much more prepared to get this closer to a one man one more vote.

SENATOR WHIPPLE: Let's work on one person one vote.

SENATOR MARTIN: Sorry about that I was not trying to be sexist: We are technologically much more prepared to do it.

Our desire to be there we have a desire and we have the ability to do that: I think it would be wrong

to deviation if the house can do [52] 1 percent we certainly can do a half of percent.

And I would encourage you to support.

SENATOR PUCKETT: Madam chair.

MADAM CHAIRMAN: Senator Puckett.

SENATOR PUCKETT: Speaking to the substitute, there have been a lot of talk about what we can do with technology and everything. No one has produced anything that said this won't split communities, towns, cities, counties: Until I see something that convinces me that it won't split people more than it's already splitted or split: I'm sorry: I'm not going to support it: That's just my position.

SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: In response to that, I think that Virginia Beach is the largest most populated city in the Commonwealth: We have five senators that represent that region.

Only three of those, two of those senators actually live in Virginia Beach and are elected, madam chair, by people mostly who live outside of Virginia Beach.

And so I live in a district recently [53] elected in a district in a city that is split. So I think this issue of splitting is of concern across rural areas as well as the largest city in the state.

So I think that there can be an opportunity to do as the senator has suggested, Madam chair, to put these various maps together under each of the two scenarios: I think it should be our job to look at half percent versus 2 percent. Perhapses we shouldn't vote

on this today: Perhaps we should put this vote off until there is an opportunity to do as the senator has suggested to lay these maps down and see if we can have a better government map in this process.

SENATOR WHIPPLE: Madam chair.

MADAM CHAIRMAN: Senator Whipple.

SENATOR WHIPPLE: I oppose the amendment. I think that the one person one vote is a very important one: And I think it's one we believe in: And as we know probably already it's out of date because the census was taken last year. And as you know, now we've got a situation senate hearing comes to mind representing a district that had two hundred thousand people [54] and has I think 350 thousand people in it now.

So it's a lot objecting: We know right now but by the end of this decade it's not going to be within a half percent or 2 percent or any other probably percentage because people move to places and things change.

Senator Puckett is exactly right: Every time you squeeze the population deviation you make it much more likely you are going to have division: So when you have a slightly higher number it gives you more flexibility to observe some of the other criteria that are also very important.

And in addition to that, what it does is establish outside boundary: It doesn't say there might not be something less than that.

So I think that it would be, in my view, wrong to constrain ourselves so much on population deviation that it limits our opportunity to observe some of the other criteria.

MADAM CHAIRMAN: Thank you.

SENATOR SMITH: Madam chair.

MADAM CHAIRMAN: Senator Smith.

SENATOR SMITH: Speaking to the amendment [55] there is something here that for any of us who have worked with this mapping, and I don't profess to be very computer literate but I found that I could free mapping, a program that was online that in deed someone of my caliber and ability with computer use could draw a line and could draw it: And we are talking about the 2 percent, half of a percent, could draw it within a 1/10th of a percent.

And to say otherwise, it strikes a little bit: Professional wrestling when we are watching it on TV and the camera saw the guy pounding him on his head, but no one else: The referee didn't see it.

Any way, anyone who has worked with this program knows full well that we can do it and we can do it just as the congressional districts are done: We are kidding everyone to say it can't be done and we just as well admit why we can't do it.

Thank you.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Yes: Senator McEachin.

SENATOR McEACHIN: I find the discussion interesting: I find the discussion about [56] technology interesting: But the one thing that has not been answered by the members of the other side of the isle is why didn't you do it ten years ago, why do you want to do it today. All of those questions remain unanswered.

It's not a matter of trying to say we didn't have the technology, because we did: It may not have been available to college students, it may not have been available to others, but we had that technology then. You-all didn't want to do it then.

And it seems less than genuine to suggest that you want to do it now for some other reason.

SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: He said, you-all didn't want to do it then: Well, we-all weren't here. We can't answer that question: It's a good question: And I understand we went from five to two: Am I correct about that, Mary?

MS. SPAIN: 5 percent in '91.

SENATOR DEEDS: So we went from five 20 years ago to two, so that's a reduction: All we are suggesting is follow that line follow [57] that same curve it get's you about the same number: It's not rocket science it's just better government.

SENATOR MARTIN: Madam chair.

MADAM CHAIRMAN: Yes: I wanted to however to comment, better government also means keeping communities of interest together and that does not follow a deviation line.

SENATOR McWATERS: Well, Madam chair, I'm not sure I would agree with that: I think both can be accomplished I think that's been part of our argument here and I raised it earlier with Senator McEachin: I don't think you can say those are contradictory.

MADAM CHAIRMAN: I was trying to imply that they are sometimes and can be.

Senator Martin.

SENATOR MARTIN: On both issues the issues of whether or not speaking to again speaking to both matters speaking to both one is the issue of we didn't want to do it ten years ago: Ten years ago we cut it from five to two. Technologically we thought that was a huge jump: We thought we were tightening down the criteria to where we got it much closer to one [58] person one vote: To suggest that we weren't wanting to do something back then is false, because we thought we were making tremendous strides in doing that.

We now know we know it so well we can do a half percent we know it so well that down the hall we down the hall we've got 1 percent which the mathematical equivalent is point four person: And yet you are going to turn around and tell us you don't think it can you be: I happen to know it can be done: And over the next week or so we will see that it can be done: And you will have that opportunity to see that: On this -- so I guess that's sufficient on that.

But the fact is that it absolutely can be done: And to suggest that you are having to make a choice between having either split communities or a tighter criteria is false: So on both issues the fact that you have to choose between those two are false: And the fact that we refused to do it ten years ago is also false: Because we, in fact, made a significant improvement by going from five to two percent.

SENATOR DEEDS: Madam chair.

[59] MADAM CHAIRMAN: Senator Deeds.

SENATOR DEEDS: Senator Martin, ten years ago the congressional districts were drawn with no deviation: So you had the ability to draw these districts with no deviation and you chose not to; isn't that correct?

SENATOR MARTIN: The last part of your question was what?

SENATOR DEEDS: Isn't that correct.

SENATOR MARTIN: You are asking me whether or not there was a proposal?

SENATOR DEEDS: Senator Martin, what I said was a fact: Ten years ago you drew the districts, your side of the aisle drew the congressional district to zero deviation, you had the ability to draw the senate district to zero deviation and you chose not to; isn't that correct?

SENATOR MARTIN: Obviously, that is correct.

SENATOR DEEDS: No further questions, Your Honor.

SENATOR MARTIN: But I'm not finished answering.

MADAM CHAIRMAN: Okay: Let's go through [60] the chair.

SENATOR MARTIN: No, Madam chairman, I am responding to that question.

MADAM CHAIRMAN: I'm not shutting you off, I'm asking you to please go through the chair.

SENATOR MARTIN: Okay: Madam chair, absolutely: That's absolutely correct: We were instructed that we had to be at zero with the congressional and the population is much larger and

much easier to attain: The smaller the population the more challenging it is to attain that: That's the reason it's harder for the house to get down to a half percent: We are two and a half times larger.

So once again, there was a tremendous stride ten years ago: And yes, we probably could have gotten it tighter but we had gotten be tell like we had gotten it quite a bit tighter than it had ever been before.

MADAM CHAIRMAN: Okay: We have a vote in front of us and it's on the amendment to senate committee resolution, P & E Committee Resolution Number 1, to change the percent from plus or minus 2 percent to plus or minus 1/2 of 1 percent: All in favor of that please say, [61] aye.

(Various committee members respond in the affirmative.)

MADAM CHAIRMAN: Opposed?

(Various committee members respond in the negative.)

MADAM CHAIRMAN: Yes, please call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: Aye.

THE CLERK: Senator Deeds.

SENATOR DEEDS: No.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: No.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: To the amendment, aye.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: No.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: No.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Aye.

[62] THE CLERK: Senator McEachin.

SENATOR McEACHIN: No.

THE CLERK: Senator Petersen.

Senator Smith.

SENATOR SMITH: Aye.

THE CLERK: Senator Barker.

SENATOR BARKER: No.

THE CLERK: Senator Northam.

SENATOR NORTHAM: No.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Aye.

THE CLERK: Senator McWaters.

SENATOR McWATERS: Aye.

THE CLERK: Senator Howell.

SENATOR HOWELL: No.

THE CLERK: Six ayes, eight nays.

MADAM CHAIRMAN: The amendment fails on the vote of six ayes, eight nos.

So now we are back to the original motion, which is to approve P & E Committee Resolution Number 1.

SENATOR EDWARDS: Move.

MADAM CHAIRMAN: It's been moved and seconded.

SENATOR OBENSHAIN: Substitute motion to [63] approve Senate Joint Resolution 502.

SENATOR MARTIN: Second.

MADAM CHAIRMAN: There a substitute motion, if the clerk will call the roll on the substitute motion.

THE CLERK: Senator Martin.

SENATOR MARTIN: Aye.

THE CLERK: Senator Deeds.

SENATOR DEEDS: No.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: No.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: Aye.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: No.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: No.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Aye.

THE CLERK: Senator McEachin.

SENATOR McEACHIN: No.

THE CLERK: Senator Petersen: Senator Smith.

SENATOR SMITH: Aye.

THE CLERK: Senator Barker.

[64] SENATOR BARKER: No.

THE CLERK: Senator Northam.

SENATOR NORTHAM: No.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Aye.

THE CLERK: Senator McWaters.

SENATOR McWATERS: Aye.

THE CLERK: Senator Howell.

SENATOR HOWELL: No.

THE CLERK: Six ayes, eight nays.

MADAM CHAIRMAN: The motion fails.

We are now at the primary motion, which is to adopt Privileges and Elections Resolution Number 1.

Clerk, call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Aye.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Aye.

[65] THE CLERK: Senator Edwards.

SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: No.

THE CLERK: Senator McEachin.

SENATOR McEACHIN: Aye.

THE CLERK: Senator Petersen.

Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Aye.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Aye.

THE CLERK: Senator Vogel.

SENATOR VOGEL: No.

THE CLERK: Senator McWaters.

SENATOR McWATERS: No.

THE CLERK: Senator Howell.

SENATOR HOWELL: Aye.

THE CLERK: Eight ayes, six nays.

MADAM CHAIRMAN: The resolution passes eight to six.

On our agenda we have one remaining item and that is the criteria for the congressional redistricting. And as has been indicated it is [66] identical wording to ten years ago with the update of the one court case that was intervening.

Is there any discussion on this?

SENATOR McEACHIN: Move to adopt the resolution.

SENATOR WHIPPLE: Second.

MADAM CHAIRMAN: It's been moved and seconded

SENATOR DEEDS: Madam chair.

MADAM CHAIRMAN: Senator Deeds.

SENATOR DEEDS: Claire Guthrey are you still out there?

MS. GUTHREY: Yes.

SENATOR DEEDS: With respect to the congressional criteria would your critique still hold?

MS. GUTHREY: Yes.

SENATOR DEEDS: These changes were made between '91 and '01.

MS. GUTHREY: Yes, sir.

SENATOR DEEDS: Just a matter of record.

MADAM CHAIRMAN: Is there any discussion on this: All in favor?

SENATOR McEACHIN: Madam chair, I don't [67] know that you actually asked the public for comment, for the record.

MADAM CHAIRMAN: Thank you very much: Is there anyone in the public who would like to speak to congressional criteria?

I don't see anyone: Thank you, Senator McEachin: I really would have remembered in the middle of the night and felt terrible.

All in favor of -- Senator Obenshain.

SENATOR OBENSHAIN: Madam chair, I would make a motion that we amend this to change the deviation to half a percent.

MADAM CHAIRMAN: This is the congressional, which is actually zero: We are not allowed to have any deviation.

SENATOR OBENSHAIN: Am I looking at the wrong one?

SENATOR WHIPPLE: The law prescribes it has to be zero.

SENATOR OBENSHAIN: I was looking at the wrong one: My apologies.

MADAM CHAIRMAN: All in favor of the resolution say aye.

(All respond in the [68] affirmative.)

MADAM CHAIRMAN: Any opposed?

(No response.)

MADAM CHAIRMAN: Okay: Now, before we leave I would like to remind everyone about the eight public hearings coming up starting next Thursday: And then there will be more on Saturday and a final one here in Richmond on the 4th, Monday.

We definitely want to hear from people and urge you to come out and tell us your views. With that, if there is no more business, the committee will rise.

NOTE: The hearing concluded at 3:37 p.m.

Committee on Privileges and Elections
Transcript of Public Meeting (Apr. 11, 2011)
(Defendants' Exhibit 118)

[2] DELEGATE JONES: Just some housekeeping real quickly. I want to point out to all the members that you have in your package a comment report distributed to all the members and it includes up until a few days ago all the comments concerning redistricting that have been submitted to the website for you all's review. And I know some of you at least have been reviewing the comments online and so I just wanted to make sure that that was available to everyone. Okay, the purpose of today's meeting is to take up, consider bills dealing with Congressional redistricting and we do have at least one plan that's been submitted that's on the docket today. And that's I believe it's House Bill 5004 and the patron is Delegate Janis. And I'll ask Delegate Janis if you would please present yourself.

DELEGATE JANIS: Thank you, Mr. Jones. House Bill 5004 is a bill to redraw the boundary lines for each of the eleven Virginia Congressional Districts, the ones that are ten-year constitutionally mandated reapportionment. The boundary lines reflected in House Bill 5004, the legislation here in front of you were drawn based on several criteria. First, the districts were drawn to conform with all mandates from the United States Constitution and the Constitution of Virginia and specifically to comply with the requirement that there be one person, one vote. This was a significant challenge given the dramatic and non-uniform shifts in population across the Commonwealth over the past ten years, most

specifically the dramatic population growth in parts of Northern Virginia with corresponding population loss of parts of Southside, Southwest and even parts of the state that might grow but don't grow at the same rate. The second criteria were districts were drawn to conform with all mandates from [3] all applicable federal law, most notably the Urban Rights Act mandate that there be no retrogression in minority voters in the Third Congressional District and also the Zero Variance Rule that mandates that each of these eleven Congressional Districts must be drawn so that they encompass a population no fewer than 727,365 residents but no more than 727,366. So the Zero Variance means down to a one person difference in each of these eleven districts and each have more than 700,000 residents. Third, the districts are drawn with respect to the greatest degree possible the will of the Virginia electorate as it was expressed in the November 2010 Congressional elections. They're based on the core of the existing Congressional Districts with a minimal amount of change or disruption necessary consistent with the need to either expand or contract the territory of the districts based on whether they've lost population, gained population or gained population at a rate that was less than they needed in order to meet the 727,365 benchmark. The plan respects the will of the electorate by not cutting currently elected Congressmen out of the districts nor do we presume to throw currently elected Congressmen together in the districts. We try to respect the fact that November 2010, the voters spoke in each of these districts, they elected the current representatives and what we tried to do was to be respectful of where they lived and not

try to lump them together or cut them out of the districts. You'll also note that the plan attempts where possible to keep jurisdictional localities intact and to reunite where possible localities and jurisdictions which are currently fractured or splintered because of previous redistricting plans. In fact, if you look at this plan, it's [unintelligible] jurisdictions of the current Congressional District lines, three counties, the [4] County of Allegheny, the County of Brunswick and the County of Caroline are reunited in a single Congressional District under this plan. One city, Covington, has been reunited. And I believe Martinsville and Salem are now intact as well. Wherever possible, this plan also preserves, seeks to preserve existing local communities of interest. They're smaller than a jurisdiction but are considered to be a sort of a community of interest and to reunite such communities that may have been fractured in the course of redistrict [unintelligible]. One example that comes to mind is Reston up in Northern Virginia. District boundary lines were drawn based in part on specific and detailed recommendations provided by each of the eleven currently elected Congressmen, both the Republican members and the Democrat members. And they each gave significant, specific and detailed recommendations about how they could draw the lines or the boundaries or what would make sense for their particular district in order to preserve the local communities of interest and the need to either expand or contract their district to meet the 727,365 person benchmark. I personally spoke with each member of the Virginia Congressional Delegation, both the Republican members and the Democrat members and they have each confirmed with me that

the lines for their district as they are reflected in House Bill 5004 conform to the recommendations that were provided and the information that was provided by them. And each member of the delegation, both Republican and Democrat, has confirmed for me that they support the way the lines for their specific district are drawn in House Bill 5004. And so, that's basically the legislation, I'm going to answer questions. There is one, for taking questions of the Committee, I have to make one technical [5] amendment. And if you look at page four of the bill, in the Tenth Congressional District if you look at line 206, there is a precinct in Fairfax called Lee's Corner, number 920, and you'll see right next to it is Lee's Corner West, which is 927. There seems to be some discrepancy between State Board of Elections and the local registrar but I do have something here from the Fairfax County, Virginia Electoral Board and General Register's website. They identified precinct 920 in Fairfax on their website as Lee's Corner East and then there's a 927, which is Lee's Corner West. We have identified 920 in this legislation as Lee's Corner and I think probably out of an abundance of caution that is a technical amendment that I probably would like to move at this time.

UNIDENTIFIED MALE: Second.

CHAIRMAN: Okay, there's a motion. There's a motion and a second for a technical amendment renaming or correcting the name of one of the precincts of Fairfax. Any discussion on this amendment? All those in favor of adopting the amendment say "Aye." (Ayes.) Opposed? (no response) All right, the amendment now is in force.

DELEGATE JANIS: And with that, Mr. Chairman, I stand ready to answer any questions anyone might have of me.

CHAIRMAN: Are there any questions of Delegate Janis?

UNIDENTIFIED FEMALE: Delegate Janis, you referenced that you had talked with all eleven Congressional members and they all complied or were all saying the lines, they were in agreement of these lines as drawn?

[6] DELEGATE JANIS: I want to be very precise what each member said. I spoke with each member of the delegation, Republican and Democrat. Each member said to me that the lines for their district, as their district appears in this plan, conform to their recommendations that they provided and the information they provided and that they support the lines for their district and the lines for their district as drawn in this plan.

UNIDENTIFIED FEMALE: I just wanted to make sure because I currently physically live in the Fourth Congressional. This plan puts me in, physically in the Third Congressional and I talked with Congressman Scott and he had some variations in plans. So, I just want to feel comfortable. So you have talked with Congressman Scott and he agrees with what you have here?

DELEGATE JANIS: I think to characterize, I don't want to overstate what he said and I don't want to understate what he said. I asked him does this line reflect the input you provided to me.

UNIDENTIFIED FEMALE: Okay, thank you.

DELEGATE JANIS: I said do you support this line as it's drawn. Given the political realities of a Democrat-controlled Senate, a Republican House, dividing government given what the law requires, he believes that this line is [unintelligible]. He supports the line for the Third District as drawn in 5004.

UNIDENTIFIED FEMALE: Thank you.

DELEGATE JANIS: We'd like different lines; we'd like better lines. Are there ways to improve the lines? I didn't even get into any of that. And I didn't get into any of that with any of the other members as to [7] whether they thought they could improve these lines. Just that they support the lines for their district as the lines for their district are drawn in this plan.

CHAIRMAN: Delegate Spruill?

DELEGATE SPRUILL: Yes, my question, unless there's something [unintelligible] –

UNIDENTIFIED MALE: Use your microphone.

DELEGATE SPRUILL: [unintelligible]. So, my district, they ask me, they say Spruill, did Bobby Scott approve of this new jurisdiction the way it is now. I'm going to say according to Bill Janis, [unintelligible] according to Bill Janis, Bobby Scott approved this.

DELEGATE JANIS: That's what he told me when I [unintelligible] through.

DELEGATE SPRUILL: Thank you very much.

CHAIRMAN: Delegate Scott?

DELEGATE SCOTT: Just a question about individual jurisdictions. Do you have any idea about how many splits there are for towns and cities? Are we pretty limited, or what?

DELEGATE JANIS: There's fewer split, there's fewer localities, that is counties, cities or towns split under this proposal than there are under the current Congressional lines. The ones I've read, I believe the difference is seventeen, there's 21, I believe, counties, cities or towns that were split under the current plan. This gets us down to, I believe, it's seventeen. I don't have the total but I can get that for you. But I can tell you the ones that are reunited that are currently split are Allegheny, Brunswick and Caroline Counties and then Covington, the City of [8] Covington is reunited. Martinsville, I believe, is reunited as well and the City of Salem is reunited. So there are fewer split counties, cities or towns under this proposal than there are under the existing plan.

CHAIRMAN: Further questions [unintelligible].

UNIDENTIFIED MALE: There have been some rumors around about the consideration of a minority influence district. Can you give me any feedback on that? What's the status and can you give some consideration to that?

DELEGATE JANIS: I'm not an election lawyer. I had not heard, what we, what one of the criteria applied was today we've got Congressman Scott in the Third Congressional District. That is the only minority majority district in the delegation. Under the current Congressional lines, the Third Congressional District has a total African American population of about a 55.33%. Under these proposed lines, there's a 3.17% change. There's a 58.50% African American total population. If you want to get voting age population, there is about a 4.3% change. It goes from being 52.62% voting age to 57% voting

age. So mindful that the voting rights act requires us not to retrogress that district, what these lines reflect is under the new proposed lines, we can have no less than percentages that we have under the existing lines with the existing census data from 2011, the updated census data. So we drew the majority minority district, the Third in accordance with the Voting Rights Act. And that was basically what we did. I didn't look at drawing the other districts because one of the other criteria which I used was try not to disrupt the lines of the current districts any more than you have to given population shifts, et [9] cetera. If you actually look at the map and then you did an overlay, I can get a graphic that would work very well. I've got one here, it's not a very good graphic and I can send some up to you but the brown line is going to be the delta or change, if you look at this, the district boundaries don't change very much under this plan and that was deliberate. So, I've heard there's some proposals about other ways you could have drawn the line. I can't speak to why it wasn't drawn that way. I can only speak to why it was drawn this way.

CHAIRMAN: All right, Delegate Spruill.

DELEGATE SPRUILL: I had talked with Congressman Scott and he has always indicated to me that he could live with a less number of [unintelligible] and I was talking about, took Petersburg, which is majority black, and put them into the Third, and made Bobby's precinct even more black than what it is. So my first question is what is the percentage of minority in Petersburg now and what is proposed?

DELEGATE JANIS: I didn't get down on a jurisdiction by jurisdiction basis. What I have are the

numbers for the total African American population in the Third District under the current lines and the total African American percentage under the proposed lines.

DELEGATE SPRUILL: That's what I want to know about, give me the Fourth first.

DELEGATE JANIS: The total African American population of the Fourth or the Third?

DELEGATE SPRUILL: The Fourth, please sir.

DELEGATE JANIS: The Fourth District. Today in the [10] Fourth Congressional District, the total African American population is 33.66%.

DELEGATE SPRUILL: All right.

DELEGATE JANIS: Under the proposed lines, the total African American population would be 31.60%.

DELEGATE SPRUILL: Thirty one point?

DELEGATE JANIS: 31.6. So it's just about, it's 2.06% change.

DELEGATE SPRUILL: Can you give me the Third now please?

DELEGATE JANIS: The Third District goes from

55.33% under the current lines to 58.50% under the proposed line. That's 3.17%.

DELEGATE SPRUILL: The next question then, why would you increase, why would you increase the number of the Third Congressional District to more approximately 55 to 58, when already [unintelligible] tradition it will be hard for a black not to win it unless there's a lot of candidates [unintelligible] couldn't win

it. Why would you increase it from 55 to 58 and drop to 30 and drop the Fourth down?

DELEGATE JANIS: If you take the numbers I just told you, those are the total African American population.

DELEGATE SPRUILL: Yes, sir.

DELEGATE JANIS: And I've looked at the voting age African American population. There's a significant difference in the Third over the Fourth. So, for example, in the Third Congressional District, the [11] voting age African American population under the current lines is 52.62%. Under the proposed, it becomes 57%, okay? Now, if you look at the Fourth Congressional District, the Fourth Congressional District, the current voting age African American population is 32.00% but the voting age proposed is 31.7. So, when you look at all those numbers together, there's a significant difference between, there's a much greater difference between total African American population versus the voting age African American population in the Third District compared to the Fourth District. The Fourth District numbers, the total African American population tracks very closely with voting age there. There's a bigger delta in the Third. Given all the information I received from Congressman Scott, Congressman Forbes and every other one, those are the two that gave recommendations on those lines. The way those two lines come up against each other are based on the recommendations that they provided to us.

DELEGATE SPRUILL: So you do think that's the problem to prove that though. I'm just looking at, that's why I was harping on the question to you about

talking to Congressman Scott, who said that he doesn't need going from 55 to 58. He doesn't need that. He said it would be more feasible if it would stay, I'm trying to figure out why you would take Petersburg out of the Fourth. Moving from Third from 33.66 to 31.6, I'm saying how what [unintelligible] taking a group of blacks out of one area put them into another block that really don't need them. We already had [unintelligible] in the Third already. And because Petersburg is south [unintelligible] votes and a lot of people trying to put tax money by moving them over a black district that is already heavy black.

[12] DELEGATE JANIS: What I'm saying also is this is not the only criteria that we had to apply using the Third District or the Fourth District. After you did this, you also had to make sure or before and after this you had to make sure the final number in both districts was no less than 727,365 no more than 727,366. So this isn't the only criteria that we had to apply. The other criteria that had to be applied was every one of the districts has to be in that Zero Variance whether it was a minority majority district or whether it was not. So, that's why looking at that criteria which is paramount to count one person one vote Zero Variance, those are, one person one vote is a Constitutional requirement, Zero Variance is under federal law and the other main legislation from the federal government and the Voting Rights Act. Given the three, this was the way we drew the lines. I can't speak to, I'm sure there are other ways the line could be drawn. All I can speak to is that we drew it this way because we had a recommendation from both Congressmen, we had the data from the census, we had the requirement under the Constitution that it

has to be one person one vote and we had the requirement under federal law that they had to be drawn with Zero Variance.

DELEGATE SPRUILL: So you're saying to me that this was not drawn to take Petersburg out just to take blacks out of the district that were now [unintelligible] it will be hard for a black person to run in the Fourth now because you're taking a group of strength voters out, it'll be hard for a black to even run in the Fourth now.

DELEGATE JANIS: I would say, I don't want to offer an opinion on whether or not an African American candidate could be [13] successful in the Fourth or not. All I can tell you is that the numbers before and after the change in the voting age African American population in the Fourth Congressional district was 1.3%.

DELEGATE SPRUILL: Thank you, Chairman.

CHAIRMAN: And just to kind of follow up on that, the current, this is currently drawn, this is your Third District under population or over population?

DELEGATE JANIS: Well, as the Third District is currently drawn, the ideal Congressional District being 727,365, the Third Congressional District needed to gain 63,975 residents in order to meet the 727,365 number. So, it was one of the districts that needed to grow by about sixty thousand in order to meet the Zero Variance requirement. That's why I said, you know, and one criteria applied was that we don't retrogress African American [unintelligible] in the Third. But we're also under the requirement that each one has to meet the 727,365. The Third District started out short 63,975 residents under the current

census. So it narrowed it, with our variance being 1% on some of our plans and 2% on the others, we've got a significant amount of flexibility here. You have to basically be within one person. So, the error range of options that were available to us.

CHAIRMAN: All right, Delegate Alexander.

DELEGATE ALEXANDER: Good afternoon, Mr. Chairman. I have a question for Delegate Janis. Could you tell me whether or not the Taylor precinct in the City of Norfolk is currently split?

DELEGATE JANIS: Old one or new one?

DELEGATE ALEXANDER: This one here.

[14] DELEGATE JANIS: Not without looking it up in here. What's it look like on your, you're asking the question for a reason, it's legislation.

DELEGATE ALEXANDER: Mr. Chairman, under your proposed bill, Taylor Elementary School is split. And it's split in a way that I just don't follow the logic. It has 73 voters that are placed in the Second Congressional District and over 4,000 voters in the Third.

DELEGATE JANIS: I don't know why that was done.

DELEGATE ALEXANDER: Mr. Chairman, according to my register, to split it recent possibly about thirty five to forty thousand dollars to gear up to outfit a precinct that is split. For 73 voters to be placed in the Second Congressional District in Taylor Elementary School precinct and over four thousand voters that will be voting in the Fourth, I just don't –

DELEGATE JANIS: I can't tell you specifically that but I will tell you because of this variance, Zero Variance rule, what we found in each of the Congressional Districts, you reach the point where you've got sort of rough boundaries of where the line's going to go but you've got to have no less than 727,365 and no more than 737,366. What that meant was, I didn't sit there and actually draw the map but once you get the broad guidelines of what we're trying to do, you literally had somebody who had to by trial and error flip to the census block one way or the other until you got the number right sometimes you had to flip, well, and so each of these Congressional Districts has at least one split precinct in them precisely because you had to get to a Zero Variance, 727,365 or 727,366. So there was no way to do that because the lowest, the smallest unit you had to work [15] from was a census form. So I'm assuming the reason that this was done was because when we were trying to actually balance the final number within the broad guidelines and parameters and recommendations of generally where the lines should go. It was impossible not to split at least one precinct or more in each of these districts in order to find or get to the number with one person difference in each Congressional District.

DELEGATE ALEXANDER: I understand that about the precincts but as I look through the bill, I can only find one other precinct that has less than 73 voters per precinct, only one other precinct that has less than 73 voters. I understand that you gave them Zero Variance [unintelligible] and not to regress, but it's hard for me to understand sixty voters, 73 voters, to split a precinct when the split is not even a portion of 4,150 and 73 voters in a precinct, just the map,

justify the cost of splitting the precinct there should have been more voters because of when you split precincts.

DELEGATE JANIS: [unintelligible].

CHAIRMAN: All right, just to kind of follow up on that, in order to make that precinct whole, you would have to since there's Zero Variance in these plans, you would have to find 73 voters to move to the other district then, then you may end up with the same problem, just in a different precinct.

DELEGATE JANIS: Well, you're [unintelligible] based on the precincts, you're flipping it based on census blocks. The census block was the smallest unit you could work on. But I believe given the parameters of the guidelines and the recommendations we received from the [16] affected Congressmen, that's the way it was done. I'm sure there are other ways it could have been done but I can't speak to why it was done and why it wasn't done some other way. I can only say the reason it was done this way was I believe so that you could get the right number for the Zero Variance on both sides of the line. And it requires you invariably to split at least one precinct, at least one precinct in every single Congressional District because not surprisingly you don't have 727,000 people in each district, initially.

CHAIRMAN: Any other questions, comments? All right, we're going to open it up to public comment. Is there any member of the public that wishes to speak to this bill? If so, please step forward and identify yourself. Hearing no one wishes to speak, there's a motion to record House Bill 5004 as amended. Is there a second? (Second.) Any other discussion? All those

in favor of recording House Bill 5004 as amended will vote yes. Has everyone voted? The clerk will close the roll. The bill is recorded. If there is no other business to come before this committee, the committee will arise.

PROCEEDINGS CONCLUDED

In The Matter Of The Joint Conference Committee
Transcript of Discussion of Senate Bill No. 5001
(Apr. 11, 2011)
(Defendants' Exhibit 119)

[2] DELEGATE JONES: Madam Chair, if you want to sign the report. I want to thank you last week for the amendments that were made to the bill that were done on your committee. And then we had a couple of technical commitments that were necessary. That's the reason why we rejected some. I think you had, like, four changes that you need to make.

MADAM CHAIR: We have over the weekend discovered three technical changes. The first is we are going to move Mt. Vernon precinct in Roanoke County to District 21, and we are going to give District 19 all of the two split precincts in Montgomery County. So we are eliminating some precincts.

We are going to move Roanoke precinct from the twelfth into the eighth district, and move Springfield precinct from the eighth into the twelfth.

And then one little, I mean really technical, which is to take a census block which is under an interstate and reunite it with the county where it should be one.

DELEGATE JONES: Then I had just a couple [3] of changes. We are going to unsplit the Birkdale precinct which is now in 20, split in 27, all into the 66th District. I'm going to then unsplit Quantico Precinct which has a part of 52 into the House District 2.

And then we are going to revert the original configuration of House District 19 and 22. We are

going to undo what was done in the senate substitute before your committee on Thursday of last week.

And then while we had made the change for east Alvey (phonetic) in the committee, we undid the split we had in the 59th, I believe, and we took the population from the 58th, which is 460 people from the Free Bridge precinct to be able to equalize the population to plus or minus 50 percent. That's the sum and substance of our technical changes that we have. And that will constitute, I think, all of the acts before the conference committee.

MADAM CHAIR: I'm glad we were able to find these little technical changes in time. Okay.

DELEGATE JONES: Any comments from the committee?

I think we have the three copies for the senate. The three cover pages, and we will have our [4] copies as well. With that we shall rise. Thank you very much.

(Whereupon, the proceedings at 4:35 p.m. were concluded.)

Joint Conference Committee
Transcript of Discussion of Senate Bill No. 5004
(Apr. 12, 2011)
(Defendants' Exhibit 120)

[3] PROCEEDINGS

MADAM CHAIR: The Committee for Privileges and Elections will come to order.The clerk will call the role.

THE CLERK: Senator Martin.

SENATOR MARTIN: Here.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Here.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Here.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: Here.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Here.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Here.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Here.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Here.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Here.

THE CLERK: Senator Smith.

SENATOR SMITH: Here.

[4] THE CLERK: Senator Barker.

SENATOR BARKER: Here.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Here.

THE CLERK: Senator Vogel.

Senator McWaters.

SENATOR MCWATERS: Here.

THE CLERK: Senator Howell.

SENATOR HOWELL: Here.

THE CLERK: Madam Chair, you have the floor.

MADAM CHAIR: The House has communicated House Bill 5004 dealing with congressional redistricting and Delegate Janis is here Delegate, would you like to present your bill?

DELEGATE JANIS: Yes, Ma'am. Thank you.

Thank you, Madam Chair, members of the committee.

House Bill 5004 is the legislation that will effectuate the constitutionally mandated reapportionment of districts for the congressional delegation for all of the eleven Virginia congressional districts currently in law.

The boundary lines in House Bill 5004 were [5] drawn based on several criteria. The first criteria that we applied was that the districts must be drawn to conform with the mandates of the United States Constitution and the Virginia Constitution, and specifically to comply to the one person one vote rule that's contained in both places.

This is a significant challenge given the dramatic population shifts that we have seen over the last ten years which were non-uniform, and specifically to the dramatic population increase in Northern Virginia at a corresponding time when you had corresponding losses in the population on the south side and southwest.

Secondly, the districts are drawn to conform with all mandates of all applicable federal law and all Supreme Court precedent that's on point.

So, specifically, the Voting Rights Act mandates that there be no retrogression in minority voter influence in the third congressional district and is the only minority/majority district currently in existence under the current lines.

So that was one of the criteria that was mandatory and then we also drew it to comply with the federal mandate which would be a zero variance in these districts.

[6] And what the zero variance means is that each of the eleven congressional districts must be drawn so as to encompass no fewer than 727,365 residents, but no more than 727,366 residents. One person variance.

Third, the districts are drawn to respect to the greatest degree possible the will of the Virginia electorate as it was expressed in the November 2010 congressional elections. So the territory of the districts are based on the core of the existing congressional districts.

What I attempted to do was with the minimum amount of change or disruption try to keep the core of the districts consistent with the existing corners. So

you will see the lines don't change very much. They have to change obviously because of the population shifts, but we tried to make those changes as with the least amount of disruption to continuity or representation as possible.

The plan does not cut currently elected congressman out of their current districts. Nor does it presume to lump current congressmen together in single districts so that they would have to compete against each other.

What this plan simply does is it tries to [7] respect the results of the last election cycle.

You'll also note that the plan attempts wherever possible to stay consistent with the constitutional mandates and federal law mandates to keep counties, cities, and towns intact.

And not only to keep jurisdictions in the localities intact, but reunite wherever possible existing split jurisdictions, counties, cities, or towns. You will note there are three counties: Allegheny runs within Caroline, and one city, the city of Covington, reunited in a single congressional district under this plan.

In fact, House Bill 5004 splits fewer jurisdictions in the current congressional district lines.

We also tried to wherever possible consistent with the population shifts and the constitutional and federal law mandates, try to keep intact local communities of interest, and to reunite wherever possible communities of interest that have been split in previous redistricting plans. Reston and Northern Virginia would be the primary examples of a

community of interest if you are looking at what that sort of means.

It's not a county, city, or town, but most [8] folks in that region would think that they have some sort of a commonality of interest.

We reunite Reston under this plan. We try to do the same thing, not only hold harmless existing local communities of interest, but reunite some that have been split in previous plans.

Finally, the district boundary lines were drawn based in part on specific and detailed recommendations I received from each of the eleven members currently elected to congress, both Republican and Democrat.

We tried to get input from them as to how best to draw the boundaries in order to preserve the local communities of interest within their district. And so each congressman provided specific, detailed, and significant recommendation as to how the lines of their district should be drawn.

And so that we could meet the 727,365 benchmark with the least amount of disruption and continuity of representation of constituent service.

I've spoken with each member of the Virginia Congressional Delegation, Republican and Democrat, last Thursday, shown them House Bill 5004 and left them a copy, showed them a map of the lines as reflected in 5004. [9] And each member of the congressional delegation both republican and democrat has told me that the lines in 5004 conform to the recommendations that they have provided me, and they support the lines for how their district is drawn.

I didn't get an opinion from any of them as to the entire plan in its totality, but rather, asked each specific member whether or not the lines for their district conform generally with the recommendations they had provided. And they each said that they could support the lines in this plan as they are currently drawn vis-a-vis their district.

Without any further delay, I'm going to be happy to answer any questions that you may have.

MADAM CHAIR: Are there any questions for Delegate Janis? Senator Obenshain.

SENATOR OBENSHAIN: Delegate, to the extent you have not already itemized the matters in which you believe this to be or not to be a bipartisan plan, would you elaborate on that?

Perhaps I have not checked to see the extent to which it had any bipartisan support in the House, but could you comment on that, the nature of the -- bipartisan nature of this plan.

[10] DELEGATE JANIS: I could tell you we just passed the bill out of the House. We have a rule that we are not supposed to talk about what we do down the hall in the senate. I am not sure if you have a rule about that. It passed with 71 yes votes in the House.

SENATOR OBENSHAIN: Madam Chair?

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: This is a plan in which you consulted republicans and democrats drawing it?

DELEGATE JANIS: Yes.

SENATOR OBENSHAIN: Consulted all republican and democratic representatives in congress?

DELEGATE JANIS: I met with each congressmen, both the republicans and the democrats, all eleven of them, and each member of congress, Republican and Democrat on Thursday when I showed them the total map and a section of this drawing before you with two technical exceptions that -- two technical amendments that we made subsequently.

And each member of the congressional delegation, republican and democrat, said that they support the lines for their district as they are drawn in this.

[11] SENATOR OBENSHAIN: Can you --

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Thank you, Madam Chairman.

Can you also comment on the length of time that this map has been available for public inspection or a version of it?

DELEGATE JANIS: Well, I introduced the legislation last Wednesday, so Legislative Services turned the map around pretty quickly. So my understanding was it was not online Wednesday, but by Thursday this map was available for public review online as of last Thursday.

SENATOR OBENSHAIN: Have you received public comment upon the map?

DELEGATE JANIS: I would say we had hearings both last year and this year where we gave the public notice, an opportunity to be heard, and what we were

particularly keen on was in these public hearings, the public -- these public hearings were advertised as being for comment on the Virginia Senate Plan, the Virginia House of Delegates Plan, and the Congressional District Plan.

We hadn't had a hearing subsequent, but we did have a hearing for the Virginia Elections [12] Committee and the House of Delegates where the public was given notice and an opportunity to be heard, and that meeting was scheduled I think last Wednesday. So the meeting was held yesterday, so we gave the required notice and opportunity to be heard to the public.

On this specific plan we also took public comment in previous meetings both last year and this spring.

MADAM CHAIR: This morning when we were meeting, I handed out a report of all of the public comments on the various plans so that would be in that report.

Senator Deeds.

SENATOR DEEDS: I'm curious. I'm looking at districts two, three, and four, and am I correct that this District 2 kind of wraps around the point there, Hampton Roads, and comes down the Elizabeth River and picks up portions, looks like the cities of Norfolk, and maybe it picks up part of the city of Norfolk on both sides, or at least on that side of the Elizabeth River. It kind of wraps around that point?

DELEGATE JANIS: That's correct.

SENATOR DEEDS: Senator --

[13] MADAM CHAIR: Yes, Senator Deeds.

SENATOR DEEDS: -- several weeks ago I read a report in Politico that indicated that the congress people, the eleven had come to an agreement, and then the Cook Report published a map that was eerily close to this. So is that, is this -- would you agree that this map is pretty close to the one that the reports indicated the congress people had agreed to several weeks ago?

DELEGATE JANIS: I can tell you, I didn't read the Cook Report. I didn't read any of the blogs on it. So I wouldn't want to offer an opinion. If you want to characterize it as being similar, I'm not competent to give an answer on that. All I know is where the lines are. I didn't read any of the blog commentary.

SENATOR DEEDS: Okay. Thanks.

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: Delegate Janis, you said you spoke with the eleven congressional representatives, and they approve of this plan, at least to their own districts.

DELEGATE JANIS: I want to be very precise, vis-a-vis the lines of their specific district. They approved the line of their specific district. [14] I didn't ask as to whether or not if any of them supported the plan in its totality.

SENATOR DEEDS: Did you speak with anyone who plans to run against those incumbents as to what their position was as to this plan?

DELEGATE JANIS: No, I didn't.

SENATOR DEEDS: Do you have any knowledge as to how this plan improves the partisan performance of those incumbents in their own district?

DELEGATE JANIS: I haven't looked at the partisan performance. It was not one of the factors that I considered in the drawing of the district.

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: Further question. The plan we have before us, was that plan presented to you or is this something that you put together yourself?

DELEGATE JANIS: The plan is my piece of legislation.

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: That's not quite my question, delegate. Did someone else present this plan to you?

DELEGATE JANIS: I had assistance in [15] drawing it up, because..., I didn't sit at the computer and actually draw the lines. I'm not competent to do maptitude, but I had staff assistance to do it.

SENATOR PETERSEN: That's all I have.

MADAM CHAIR: Are there any further questions?

Would anyone in the audience like to speak to House Bill 5004? I see no one coming forward.

There is an amendment in the nature of substitute that Legislative Services has.

SENATOR DEEDS: I have -- I move to adopt the amendment nature of the substitute.

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: It's been moved and seconded that the amendment in the nature of a substitute be adopted. All in favor please say, yea.

(Yea responses heard.)

MADAM CHAIR: Any opposed?

SENATOR OBENSHAIN: Where is it?

MADAM CHAIR: It's coming.

SENATOR OBENSHAIN: Well, can we wait until it comes around?

MADAM CHAIR: Yes, we can wait. Just by way of explanation, the amendment in the nature of a [16] substitute is now the Locke plan that we discussed this morning. It is my understanding it's identical to the Locke plan that we discussed this morning.

SENATOR OBENSHAIN: That was the question I was going to ask. What were we voting on?

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Madam Chairman, in light of some of the questions asked of Delegate Janis, may I ask Senator Locke a couple of follow-up questions?

MADAM CHAIR: Yes, but I believe we should adopt the substitute first.

SENATOR DEEDS: We have a motion.

MADAM CHAIR: We have a motion on the floor to adopt the substitute, and then you can ask questions.

SENATOR OBENSHAIN: Well, I mean, are we -- well, I mean, my questions relate to whether I want to adopt the substitute.

MADAM CHAIR: Could you withdraw your motion?

SENATOR DEEDS: I withdraw the motion, sure.

MADAM CHAIR: And the substitute. Okay.

SENATOR MARTIN: Observe parliamentary, [17] real quick.

MADAM CHAIR: Senator Martin.

SENATOR MARTIN: Is it not appropriate when a motion is made that questions can go to that motion. I don't think he has to --

MADAM CHAIR: At this point there is no motion, so he can. There might have been, but there is none.

SENATOR MARTIN: Okay.

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: If I may, Senator Locke, your map for your plan, was that released last week?

SENATOR LOCKE: It was released after I introduced the bill which was yesterday.

SENATOR OBENSHAIN: Was the map released yesterday or the map released today?

Do you know when the map was made available for the public to see?

SENATOR LOCKE: After I introduced the bill.

SENATOR OBENSHAIN: Did you consult with all eleven members of the congressional delegation of republicans and democrats in crafting your bill?

SENATOR LOCKE: No. I did not, no.

[18] SENATOR OBENSHAIN: Did you consult with members of the minority, the republicans and the senate in an effort to make your bill bipartisan?

SENATOR LOCKE: No, I did not.

SENATOR OBENSHAIN: Is there anything --
MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: -- is there anything about your bill that you can reference or any efforts that you can point us to that you made to make your bill reflective of a bipartisan effort at all?

SENATOR LOCKE: My efforts, senator, as you are well aware, was to increase or to have a second minority district. That was my purpose as had been indicated by the Virginia Legislative Black Caucus several weeks ago, and we indicated then that we would be looking at the third and the fourth as the districts where we would be making said changes.

So it wasn't done in secret. You know, there was nothing done to remove any legislator from his district. So it wasn't as though we were doing this on the sly.

SENATOR OBENSHAIN: Madam Chairman?

MADAM CHAIR: Are you finished, Senator Locke?

[19] SENATOR LOCKE: Yes.

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Madam Chairman, when you indicate that it was done not in secret, were there any meetings of your group or your working group that were advertised or notice given to any member of the committee for the general public so we could participate and make comments in the process?

SENATOR LOCKE: No, there was not.

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Just a comment, especially as to Senator Obenshain's last question.

I would submit that the same amount of publicity and public comment has been afforded this plan as every other plan that has been put forward in this year's redistricting process.

And indeed having been a veteran of prior redistricting, particularly '01, I would submit to you there has been more public input in this congressional redistricting plan both of Delegate Janis's as well as Senator Locke's than there was in 2001.

SENATOR OBENSHAIN: Madam Chair?

MADAM CHAIR: Senator Obenshain and then [20] Senator Martin.

SENATOR OBENSHAIN: I don't want to engage anyone in debate.

MADAM CHAIR: No, we won't.

SENATOR OBENSHAIN: I would simply say that with the previous plans and with the Janis plan at least I had a day, or two days, or three days to actually look at it, analyze it, and figure out what they were proposing.

This plan, I didn't see the map until today, and I know the bill was introduced yesterday, but you know, it just has not provided a meaningful opportunity for me as a legislator to be able to digest and to analyze what really is the full scope of the proposal. I mean, so those are the purposes of my comments.

MADAM CHAIR: Senator Martin.

SENATOR MARTIN: I would just observe, Madam Chairman, that the assertion has as much visibility and ability for public comment as any other proposal and is not possible in light of the fact that it

has just been released yesterday afternoon at the earliest, if it was then, and where others have had some days and in some instances a week plus to review. So thank you, Madam Chairman.

[21] MADAM CHAIR: Thank you. Senator Edwards.

SENATOR EDWARDS: I have a question for Senator Locke. I think this was raised either when we were dealing with your plan in the senate, your senate bill, as opposed to the substitute, but what is the percentage of African Americans in Virginia in the population?

SENATOR LOCKE: 20 percent.

SENATOR EDWARDS: How much?

SENATOR LOCKE: About 20 percent.

SENATOR EDWARDS: About 20 percent. On a pro rata basis how many districts should be African American majority or influence --

MADAM CHAIR: Can you speak a little louder, please?

SENATOR EDWARDS: Yes. How many districts should be African American influenced than on a pro rata basis would that call for?

SENATOR LOCKE: Two plus.

SENATOR EDWARDS: Two plus. And your district provides for how many?

SENATOR LOCKE: Two.

SENATOR EDWARDS: Two. Okay. Thank you.

MADAM CHAIR: All right. I don't see any [22] further hands.

SENATOR DEEDS: I move we adopt the amendment nature of the substitute.

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: It's been moved and seconded that the amendment in the nature of a substitute be adopted.

Any further comments? All in favor please say, yea.

(Yea responses are heard.)

MADAM CHAIR: Opposed?

(Nay responses are heard.)

SENATOR DEEDS: I move we support the bill.

MADAM CHAIR: Let's call the role, please.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Yes.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Yes.

THE CLERK: Senator Edwards.

[23] SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: No.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Aye.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Aye.

THE CLERK: Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Yes.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Yes.

THE CLERK: Senator Vogel.

SENATOR VOGEL: No, by proxy.

THE CLERK: Senator McWaters.

SENATOR MCWATERS: No.

THE CLERK: Senator Howell.

SENATOR HOWELL: Yes.

THE CLERK: Nine yeas, six nays.

MADAM CHAIR: The motion passes to adopt on nine yeas, six nays.

SENATOR DEEDS: Madam Chair?

MADAM CHAIR: Senator Deeds.

SENATOR DEEDS: I now move that we support [24] the bill as amended.

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: It's been moved and seconded that the bill be reported -- the bill as amended be reported. Is there anyone --

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: I thought it was seconded.

UNIDENTIFIED SPEAKER: Second, right here. I'm sorry.

MADAM CHAIR: Okay. It has been seconded.

All right. Is there anyone in the audience who would like to speak to this motion?

Seeing no one, does anyone on the committee wish to make a comment?

Hearing no one, let's have the vote to report the committee amendment in the nature of a substitute.

Clerk, call the role.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Yes.

THE CLERK: Senator Obenshain.

[24] SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Yes.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: No.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Aye.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Aye.

THE CLERK: Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Yes.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Yes.

THE CLERK: Senator Vogel.

SENATOR VOGEL: No.

THE CLERK: Senator McWaters.

SENATOR MCWATERS: No.

THE CLERK: Senator Howell.

SENATOR HOWELL: Yes.

THE CLERK: Nine yeas, six nays.

MADAM CHAIR: The bill is reported nine [26] yes, six no.

DELEGATE JANIS: Thank you, chairman.

MADAM CHAIR: Thank you, delegate.

There being no more business, the committee will rise.

(Whereupon, the proceedings at 12:40 p.m. were concluded.)

Senate Privileges and Elections Committee
Transcript of Public Meeting for the Discussion on
Senate Bill 5003 and Senate Bill 5004 (Apr. 12, 2011)
(Defendants' Exhibit 121)

[3] PROCEEDINGS

MADAM CHAIR: Call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: Here.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Here.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Here.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: Here.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Here.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Here.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Here.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Here.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Here.

THE CLERK: Senator Smith.

SENATOR SMITH: Here.

THE CLERK: Senator Barker.

SENATOR BARKER: Here.

[4] THE CLERK: Senator Northam.

SENATOR NORTHAM: Here.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Here.

THE CLERK: Senator McWaters.

SENATOR MCWATERS: Here.

THE CLERK: Senator Howell.

SENATOR HOWELL: Here.

THE CLERK: Madam Chair, your floor.

MADAM CHAIR: Thank you. In front of you you have a comment report on the legislative services received on all of the various proposals that have come in front of us. We do not yet have the court reporter, but we have two recording systems that hopefully are working, and then when the court reporter comes, we will have a third backup.

We have -- the plan for today is we have two senate bills dealing with congressional redistricting. We will hear the patrons present each of those bills.

We will not vote this morning, because the House is currently in the process of passing the House bill. When that is communicated to the senate, hopefully by noon, we will recess and then [5] we will meet again to hear the House plan and then we will have votes.

Anybody else have questions about that?

The first bill we have is Senator Miller's bill, Senate Bill 5000. Good morning, senator.

SENATOR MILLER: Good morning, Madam Chair, members of the committee. As you know,

colleges across the Commonwealth recently held a competition to draw house, senate, and congressional districts.

And as you consider these congressional lines, I wanted you to have the benefit of thinking of the leading college plan that was drawn by law students from the College of William and Mary.

There may be a concept or an idea in their plan that would benefit your final product. Their districts are certainly more compact than the current, and they may also have some other advantages as well.

With us today are two of the students who drew those plans, Meredith McCoy and Nick Mueller.

They will explain the plan and answer any questions you may have.

MR. MCCOY: Good, morning. I'm Meredith McCoy. I just want to thank Mr. Miller and the committee for giving us the opportunity to present [6] our maps to you.

Just to give you an overview of how we started, we started with a blank slate. We really considered for a while as to how do we start with the existing map and those lines or just start from a blank slate and really start from scratch.

We thought the best way to achieve the most objective map possible was really to start from a blank slate and work with the criteria from there.

Nick, I think, will speak to the specifics of the bill, but generally, we started with Northern Virginia and Richmond and our majority/minority district and worked from there.

MR. MUELLER: When we looked at the map, we looked at trying to keep communities of interest together as the primary goal of redistricting. The idea that representation should be about representing a group that has common interests.

To do that, we said that the first areas that are most uniquely common interest are, one, that Richmond as a city has a unique interest as opposed to the current map which splits Richmond as well as Henrico and Chesterfield counties up into three or four districts should all be one.

The map before you has all of Richmond, all [7] of Chester, almost all of Chesterfield. I believe all of Chesterfield and almost all of Henrico County all together.

You also see up in Northern Virginia as opposed to our current maps and some of the other proposed maps which kind of weave in and out of each other, we have created concentric semi-circles. The theory being that the closer you are to D.C., the more in common you have with those kinds of folks.

The people who are in Alexandria and Arlington probably have more in common with each other than they do with someone who is out in Manassas.

So we want to be -- the closer you are to D.C. the more D.C. like you are, and the further out you are, the more western Virginian that you are.

We all know that many of the people who are close to D.C. affiliate themselves almost as much with D.C. as they do with the state, so they should be able to have their common interests together.

We also try to correct what we thought were some regularities in the majority/minority district. It currently breaks up many, many communities. It stretches all the way from Richmond down into Newport News and Hamilton, and those aren't necessarily communities that share everything in [8] common. And the folks in Richmond just because they happen to be of the same race don't necessarily have the same interest that people who are on the shore do and may be interested in the military bases, may be interested in the commerce that comes from ports.

And so we tried to create a district that keeps those communities not just based on race, but based on the other things that bind communities as well.

If you have any questions --

MADAM CHAIR: Are there any? Are there any questions?

SENATOR EDWARDS: Madam Chair?

MADAM CHAIR: Senator Edwards.

SENATOR EDWARDS: What you have here is very thoughtful. You had the Roanoke Valley and the eighth district. I guess you re-numbered them, but tell me why that should be in that area of interest as opposed to sharing a common interest which you have nearer to the valley which is the number in that area and through the communities of interest in the primary counties? There are people in Montgomery, Roanoke Valley, and on a regular basis.

MR. MUELLER: Yes, that was one of those tough decisions that we had to make. When you look [9] at bouncing population and trying to keep communities of interest together. We chose instead to keep Roanoke

and Salem with the surrounding county as opposed to breaking it up as I believe the other maps that you see today does. Assuming that Roanoke city and county have some common interest as well.

SENATOR EDWARDS: Madam Chair?

MADAM CHAIR: Senator Edwards.

MR. MUELLER: I believe the other bill, Senate Bill 5004 that you will see today, the other map right there has the southern part of Roanoke county set out to a separate district.

SENATOR PUCKETT: Madam Chair?

MADAM CHAIR: Yes, Senator Puckett.

SENATOR PUCKETT: Could you tell me if it's -- it's hard to tell by looking at your map. That the present ninth district congress actually live in the ninth congressional district from your map?

MS. MCCOY: Actually, when we drew our map we were completely blind as to the residences of all of the congressmen just because we wanted to remain as objective as we possibly could and keep politics out of it. As I understand it, the law doesn't [10] actually require congressmen to live in their district. Take that for what that's worth.

UNIDENTIFIED SPEAKER: Well, that's the case so far.

SENATOR PUCKETT: Madam Chair?

MADAM CHAIR: Senator Puckett.

SENATOR PUCKETT: He was elected by that current situation. My question, does he live in it now?

MS. MCCOY: No.

MR. MUELLER: No.

SENATOR PUCKETT: Okay. So he still doesn't live in the ninth district?

MR. MUELLER: According to the way this is drawn.

SENATOR PUCKETT: Thank you, Madam Chair.

MADAM CHAIR: If I might ask, how many of the incumbent congressmen do not live in the district as you have drawn it?

MS. MCCOY: I'm not positive. It's not something we were really aware of, but I think all but two.

MR. MUELLER: Two or three.

SENATOR DEEDS: Madam Chair?

MADAM CHAIR: Senator Deeds.

[11] SENATOR DEEDS: I would suggest they all live somewhere in Virginia. They all have a district.

SENATOR PETERSEN: Madam Chair?

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: I just wanted to follow up on Northern Virginia. It looks to me like you basically made a distinction between inside the beltway and outside the beltway. Is that roughly correct?

MR. MUELLER: That was the attempt as nearest could happen on population restraints.

MADAM CHAIR: Are there any further questions? Okay. I'd like to thank you both very much for presenting your plan. I think we have all been inspired by the efforts that so many students have made, and I think you have some good suggestions, and I hope you also realize how difficult this job is.

MS. MCCOY: That's one thing we were walking away from this process with is a great appreciation for your job. So thank you for having us.

MADAM CHAIR: Thank you very much.

SENATOR SMITH: Madam Chair?

[12] MADAM CHAIR: Yes, Senator Smith.

SENATOR SMITH: Senator Miller, do you believe this is the best plan of the plans submitted?

SENATOR MILLER: I think this is one of many plans. If we gave everybody a pen in the senate, we would get 40 different plans. It wouldn't be a plan I would draw, but I think it's a very good plan.

SENATOR SMITH: Madam Chair?

MADAM CHAIR: Yes, Senator Smith.

SENATOR SMITH: You are offering this plan?

SENATOR MILLER: Yes, sir.

SENATOR SMITH: If you are offering a bill, would you not offer the very best bill you could offer?

SENATOR MILLER: I'm offering the winning plans from the students' competition, and it is the best student plan that's offered.

MADAM CHAIR: Senator Smith.

SENATOR SMITH: I'm confused. Why would somebody bring a bill forward if it was not in their personal opinion that it would be the best for the Commonwealth to use that plan?

SENATOR MILLER: This was done by request. [13] I wanted to have the opportunity for you to look at their plan and incorporate the good ideas.

SENATOR SMITH: Madam Chair?

MADAM CHAIR: Senator Smith.

SENATOR SMITH: I don't think I'm different from -- throughout the year we get many ideas for bills forwarded to our office, and obviously, all of them do not present to us individually as a good idea. So we answer yes.

It's our job to listen but would it not be our responsibility to bring the best plan forward before we presented the bill to sign off on?

SENATOR DEEDS: Madam Chair, the point is clear.

MADAM CHAIR: Senator Deeds.

SENATOR DEEDS: Madam Chair, the questions I think are calling the senator's motives in question. And I don't know that we have ever as a matter of custom and tradition in the senate allowed questioning that called a senator's, an individual senator's motives into question. I just don't think the question is warranted.

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Madam Chair, I agree [14] with the senator. In addition, Senator Miller says he has done this by request. Of course Senator Smith is a new member of the senate and perhaps he doesn't understand what by request means. But oftentimes we bring legislation by request from constituents from interest groups so they have an opportunity to be heard, and I think that's what Senator Miller just said.

SENATOR MARTIN: Madam Chair?

MADAM CHAIR: Senator Martin and then Senator Smith.

SENATOR MARTIN: If Senator Smith wants to talk, that's fine.

MADAM CHAIR: Senator Smith.

SENATOR SMITH: Madam Chair, for the information, generally, I believe I'm correct, that I arrived at the Virginia Senate the same day Senator McEachin arrived and that wasn't yesterday. I understand where we are going. If you refuse to answer, you refuse to acknowledge. I understand I'm outnumbered also, but I wish you would answer the question.

MADAM CHAIR: Senator Smith, I do believe Senator Miller answered the question.

Senator Martin.

[15] SENATOR MARTIN: Madam Chair, there is no question we should not challenge people as to their motives, though I have seen it on the open floor and on the committee before, but we should not. I would just ask this. You have the vote by request and I know what that means and we get those from time to time, would you recommend to us that we adopt this?

SENATOR MILLER: I recommend that you study it carefully to see what ideas that they have and incorporate them into your final product.

SENATOR MARTIN: Thank you.

MADAM CHAIR: Is there anyone in the audience who would like to comment on Senate Bill 5003? I don't see anyone.

SENATOR OBENSHAIN: Madam Chair?

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: If I could ask Senator Miller a question just prompted by his last comment. You recommend, senator, that we incorporate this into our final plan. How would you recommend that and was it incorporated into the plan that is offered by the majority?

SENATOR MILLER: I think what you have to do as a committee is to look at the plans that are before you and incorporate the best of the plans in [16] your final product.

SENATOR OBENSHAIN: So you are asking that we reject the plan that has been offered by Senator Locke so we can modify it to make changes that were corrected in your plan?

SENATOR MILLER: I'm suggesting if you see something in this plan that is a good idea and you can incorporate it into any other plan, you do that.

SENATOR OBENSHAIN: Do you have specific recommendations as to how Senator Locke's plan should be modified in light of the recommendations that you brought forward?

SENATOR MILLER: No, I think the committee can decide for itself as to which direction to head.

SENATOR OBENSHAIN: You don't have a single one?

MADAM CHAIR: Let's not have running debate.

SENATOR MILLER: Sorry. I think you ought to look at the compactness of this plan, so.

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Thank you. So you don't believe that Senator Locke's plan is essentially compact?

SENATOR MILLER: I never said that.

[17] SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Senator Miller, when you speak in terms of compactness, are you comparing the William and Mary plan to the current map as was adopted in 2001?

SENATOR MILLER: Yes, it's much more compact.

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Isn't that one of the attractive features of the William and Mary plan that's also reflected in Senator Lucas's plan which is the impacting of the African American districts not less in the African American majority district? Is that not something that's attracted in the William and Mary plan that is also included in Senator Lucas's plan?

SENATOR MILLER: It's very impacted.

SENATOR MCEACHIN: Excuse me. Senator Locke's plan. I said Senator Lucas instead of Senator Locke.

Thank you, Madam Chair.

MADAM CHAIR: Next we have Senate Bill 5004.

Senator Locke.

[18] SENATOR LOCKE: Thank you, Madam Chair, members of the committee, for giving me this

opportunity to present now my plan that was previously discussed without having been heard.

Senate Bill 5004 attempts to create an opportunity for greater minority participation and voting and elective candidates of choice. The Voting Rights Act protects African American voters in the wake of historic voter discrimination in certain states and counties.

Its purpose is not to have these voters packed into selected districts. Minority rights are not always served by districts that are overly packed.

Minority influence is diluted in districts surrounding the packed majority/minority districts because individuals selected may not feel compelled to address minority concerns as part of their agenda. Thus, support from minority legislation is limited.

African Americans and other minorities do not necessarily need overly packed districts to get elected. Minority candidates have chances of being elected from districts with less than 50 percent minority voters. I offer to you three examples. [19] The current mayor of Newport News and McKinley Price was elected city wide and Newport News is not a minority -- majority/minority district or city.

Bill Ward in Chesapeake was elected as mayor in a city that was not a majority/minority city. Mayor Locke was elected mayor of Hamilton in a city that was not majority/minority.

Virginia has 20 percent African American population, yet only one member of the 11 member congressional delegation is an African American. I ask you if this is fair representation.

This congressional plan being presented represents an alternative to the Incumbent Protection Plan. This option, i.e., the Incumbent Protection Plan, offers no change and gives voters what they already had, an already packed third district with no opportunity to African Americans to select candidates of choice except in the 8th and the 11th.

Senate Bill 5004 provides some slight shifts in changes that would create a new minority/majority district in the fourth and an opportunity district in the third currently held by Congressman Bobby Scott. Thus, minority voters are [20] provided an opportunity to influence the outcome of an election by having a greater voice in electing the candidates of their choice.

Thank you.

MADAM CHAIR: Thank you, senator.

Are there questions for Senator Locke?

SENATOR BLEVINS: Madam Chair?

MADAM CHAIR: Senator Blevins.

SENATOR BLEVINS: Senator Locke, the drawing -- I'm looking at the fourth district now, and maybe it's a question for all of you, is the current congressman out in the area that is drawn, he is in now?

SENATOR LOCKE: Yes, he currently lives there.

MADAM CHAIR: Are there further questions?

SENATOR SMITH: Madam Chair?

MADAM CHAIR: Senator Smith.

SENATOR SMITH: Question, Senator Locke. I was thinking it was only fair to ask of you do you

believe this is in the best interest of the Commonwealth?

SENATOR LOCKE: Yes, it is.

MADAM CHAIR: Senator Smith.

SENATOR SMITH: It is the better plan that [21] you have seen and reviewed the others?

SENATOR LOCKE: Yes, this is the best.

SENATOR SMITH: Thank you.

MADAM CHAIR: Are there further questions?

Would anyone in the audience like to comment on Senate Bill 5004? I see no one. And there being no --

SENATOR PETERSEN: Madam Chair?

MADAM CHAIR: Yes, Senator Petersen.

SENATOR PETERSEN: I'd like to make a couple of comments if I can. I want to thank Senator Locke for bringing this forward. I know a lot of work went in this plan. I'm more familiar with Fairfax County than I am with the rest of the state. And I respect the fact that African Americans have a new history amongst minorities. I have a number of minorities in my household who are not African Americans, yet they still like to be head of household.

But the point I'm making is looking at this map it's tough to get it right. I do notice that you are holding the 66th quarter together in Fairfax County which is important. I think, I look at this map as, frankly, giving better balance. The current congressional map in Northern Virginia, frankly, put [22] all the Democrats in the eighth congressional district. And I want to congratulate you. I know that sometimes in Northern Virginia the shapes may look odd from the

top down, but if you note highways and byways, it actually makes more sense on the ground.

So, again, speaking of someone that lives in a minority/majority household I fully am supporting this map for other reasons than what you articulated.

SENATOR LOCKE: I'm just glad Senator Petersen realizes the majority.

MADAM CHAIR: Senator Barker.

SENATOR BARKER: Madam Chair, I just have some comments as well. I too appreciate the plan offered by Senator Locke. I think it's a very good plan. I think it puts us in the right direction. African Americans are between 19 and 20 percent of Virginia population. Multiply that by eleven congressional seats, and it adds up to more than two seats.

What we have had is a situation for many years where we have had one African American. We did have Senator Lucas who came close in another district a few years ago, but we have not had a [23] second African American congressman. Even though, if you look at the African American population clearly, it equates to more than two congressional seats.

I think it's important also from the perspective of what Senator Locke was discussing of providing opportunities for African Americans and other minorities to be in positions to significantly influence the outcomes of elections, not necessarily or necessarily are we going to have an African American in every situation, but be able to have influence in terms of who gets elected and having elected and helping elect people who are going to be representative of their interest.

I think we sometimes have fallen short in that respect, and I think if you look around just within the senate right now what we have is we have five African American senators all on majority/minority districts. We do not have a single other African American who has been elected.

Actually, now Congressman Scott was initially elected in a district that was not majority African American, but that's been the exception in Virginia, and I think it's time we move in that direction. As Senator Locke has noted there [24] has been a substantial demonstration in Virginia.

She cited three examples in the Hampton Roads area where African Americans have been elected in city elections where they are less than 50 percent of the voting age population within those cities.

When we had considered our senate plan a couple of weeks ago, I had talked about a lot of situations we have had in Northern Virginia where we have had African Americans elected in jurisdictions oftentimes on a city-wide basis, but sometimes on a district basis where they are in many cases less than ten percent and a lot of cases less than 20 percent.

What we need to do is make sure we are including everybody in the process, giving opportunity for minorities to have significant influence in election and for candidates from those groups to have good chances of being successful.

That's when we get representations from all Virginians, and I think this is a good step in the right direction, and I thank Senator Locke for this plan.

MADAM CHAIR: Were there further comments? Questions?

Okay. Senator Obenshain.

[25] SENATOR OBENSHAIN: Senator, do you know whether Congressman Goodman is within the sixth district?

SENATOR LOCKE: All of the congressman are representatives within their districts.

SENATOR OBENSHAIN: So -- MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: So, what, Congressman Griffith is in the ninth and Goodman is in the sixth?

SENATOR LOCKE: That's correct.

SENATOR OBENSHAIN: Thank you.

MADAM CHAIR: Is there anyone further? All right. I don't see anymore hands. So as soon as we get -- the House bill comes over we will recess from the floor. Then we will probably be in the old senate chamber. Hopefully, the court reporter will be there. And there being no further questions or comments, the committee will rise.

(Whereupon, the proceedings at or about 10:45 a.m. were concluded.)

Virginia House of Delegates

House Committee Operations

Transcript of House Privileges and Elections Committee Meeting

(Apr. 18, 2011)

(Defendants' Exhibit 122)

[4] PROCEEDINGS

CHAIRMAN COLE: We have one piece of legislation on the docket today. It's House Bill 5005. I'll ask the patron, Delegate Jones, if you would present your legislation.

DELEGATE JONES: Mr. Chairman and Members of the Committee, House Bill 5005 that is before you today differs in just a few way -- a few instances from House Bill 5001, which passed the House and he conference report. I think it was last week. There are seven -- nine precincts that have been unsplit and there are two that were split. What is before you today was -- after meeting with several members, some local governments that contacted me say the major changes are in Richmond City area and they are in the 64th, the 27th, and the 65th, the 68th, the 69th, the 70th and 71st. It sounds like a lot, but we unsplit nine precincts, which affected the ones on the outlining areas of 65, 27 and 62. Not 64. In essence, the precincts that were unsplit would be EENS, Sullivan and Medford in the 70th and in Mr. Ingram's District, Five Forks, Berg and I believe Watkins and in the 27th, Manchester. Also in the City [5] of Richmond, Precinct 208 was previously split between the 69th and the 71st. That has now been unsplit and totally resides in the 71st. There is a zero

population block split if you look at the report, I'm not sure what page it's on, it would be in District 69, and the reson that zero population split is there, the Registrar in the City of Richmond will move the polling place to that location and that is the War Memorial. So, it appears to be we split a couple more precincts but one was a request of the Registrar to be able to accommodate a polling place for Precinct number 505. After listening to some feedback since we had to put a new bill in, I went ahead and made those changes and then there was a concern that Delegate Howell had down in Norfolk. There was a split precinct called Bolling Park. That was between the 90th and the 89th. That has been unsplit and additional population was taken out of the 90th and put back into the 89th and a precinct that is currently split between them. I think that was Brambleton.

I'll be glad to answer any questions that you might have, but that is the sub and substance of the [6] bill that is before this body. It is essentially what we passed last week in the form of a conference report.

CHAIRMAN COLE: Thank you. Are there any questions or comments from the committee?

DELEGATE SPRUILL: Assume.

CHAIRMAN COLE: Delegate Spruill.

DELEGATE SPRUILL: The precinct that was split in Bolling Park (inaudible), who endorsed the other?

DELEGATE JONES: That goes to the 90th Adage in full and they were -- that was just something that happened when they were working between the 100th, the 89th and the 79th. Somehow that precinct was

split unintentionally between the 90th and the 89th. So, I sat down with all parties involved and everyone was fine with that move.

CHAIRMAN COLE: Any other questions or comment?

I call any members of the public that may wish to comment on this bill. Is there any public comment?

Seeing none. There's a motion to report. Is [7] there a second?

DELEGATE JOANNOU: Second.

CHAIRMAN COLE: Any discussion? All those in favor of reporting will vote yes.

If everyone voted, the clerk will close the role. The bill is recorded.

Any other business to come before the committee?

Is anybody here from the Administration? Nobody here from the administration.

Committee will rise.

(Off the record.)

Transcript Of The Senate Committee On Privileges and Elections Meeting
(Apr. 11, 2011)
(Defendants' Exhibit 123)

[4] THE CLERK: Madam Chair, you have the floor.

MADAM CHAIR: Thank you. We have three items on our docket today. The first is the congressional redistricting plan. That will not be brought up today. We're going to save that for another day. We also have the Governor's appointments. We will be dealing with that next, and that's followed by the General Assembly redistricting bill.

First, on the Governor's appointments, they are at your desk. They've been vetted through our paperwork group and are ready for a motion.

SENATOR WHIPPLE: Madam Chairman, I would move that we adopt Senate Joint Resolution No. 5017, confirming appointments by the Governor.

SENATOR VOGEL: Second.

MADAM CHAIR: It has been moved and seconded. Is there any discussion?

[6] (Pause.)

MADAM CHAIR: Seeing no hands, all in favor please say "Aye."

MULTIPLE SPEAKERS: Aye.

MADAM CHAIR: Okay. Is anyone opposed.

(No responses.)

MADAM CHAIR: It passes unanimously.

Next, we have our General Assembly redistricting bill. You have now an amendment in the nature of a substitute. That amendment contains on the House side what was passed by the House of Delegates, as well as a few technical changes that they have requested.

SENATOR DEEDS: Madam Chair?

MADAM CHAIR: Yes.

SENATOR DEEDS: I move that we adopt the substitute.

SENATOR WHIPPLE: Seconded.

SENATOR VOGEL: (Simultaneous to Senator Whipple) Second -- seconded.

MADAM CHAIR: It has been moved and seconded that we adopt the substitute. All in favor please say "Aye."

MULTIPLE SPEAKERS: Aye.

MADAM CHAIR: All opposed.

(No audible response.)

MADAM CHAIR: Okay. This substitute . . . this substitute, as I said, contains the House plan as it [7] passed the House of Delegates, plus some technical changes they have requested. And for the Senate, it contains the agreement that was reached by the negotiators for the Republican Caucus and the Democratic Caucus.

I'd like to say just a few words about this plan. The negotiators on both sides worked extremely hard for three days, and we did reach an agreement. This agreement is part of this bill. It meets all legal and constitutional requirements, and particularly close

attention was paid to the Voting Rights Act, and we are in compliance with the Voting Rights Act in this proposal.

It respects to the extent possible the current selection by voters for their current representatives in the senate. It respects the current parity between the parties. One man one vote is also respected.

We are creating two new districts and we are reducing two districts based on population shifts. This plan responds to the concerns put forward by the governor in his veto message, and it responds to concerns put forward by the republican negotiators. It responds further to areas of public concern.

There are now in this proposal two districts in Virginia Beach. It reduces by one the number of districts having part of Prince William County, and we have un-split numerous precincts and localities that were previously [8] split. So, we have a net reduction in the numbers of split localities and precincts.

We continue to support competitive districts, and we expect throughout the state many spirited election campaigns to take place.

We democrats negotiated in good faith. We worked with our republican colleagues, as I said, for three long days. We agreed on a plan, this plan, and we are keeping the good faith that we've entered the negotiations with and are putting forward and plan to support the negotiated plan.

Are there any questions . . . or comments?

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Yes ...

SENATOR MCEACHIN: I move - -

MADAM CHAIR: . . . Senator McEachin.

SENATOR MCEACHIN: I move that we report the bill.

MADAM CHAIR: It has been moved that the bill be reported. Is there a second?

SENATOR WHIPPLE: Second.

MADAM CHAIR: It has been moved and seconded. Are there comments?

(Pause.)

MADAM CHAIR: Seeing none, is there anyone in the public who would like to comment?

[9] UNIDENTIFIED SPEAKER: (Inaudible.)

MADAM CHAIR: Again, seeing no one, all in favor of these amendments in the nature of a substitute please say "Aye."

MULTIPLE SPEAKERS: Aye.

MADAM CHAIR: Opposed.

MULTIPLE SPEAKERS: No.

MADAM CHAIR: Alright. Call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Aye.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Aye.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Aye.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Aye.

THE CLERK: Senator Petersen.

[10] SENATOR PETERSEN: Aye.

THE CLERK: Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Aye.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Aye.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Aye.

THE CLERK: Senator McWaters.

SENATOR MCWALTERS: Aye.

THE CLERK: Senator Howell.

SENATOR HOWELL: Aye.

THE CLERK: Not (inaudible). Twelve yeas, three nays.

MADAM CHAIR: Twelve ayes, three nays. The bill is reported.

Is there further business to come before us?

(No audible response.)

MADAM CHAIR: Okay. There being none, the committee will rest.

UNIDENTIFIED SPEAKER: Straight into chamber, folks.

NOTE: END OF AUDIO.

House of Delegates
Privileges and Elections Committee
Transcript of Public Hearing In Re: Redistricting
(Jan. 11, 2012)

(Defendants' Exhibit 124)

[3] DELEGATE COLE: I'll call the committee to order. There's two purposes for this meeting. One is consider redistricting legislation for the congressional seats, and also since this is our first meeting of the session, just to get some inputs regarding committee, subcommittee assignments. I was planning on meeting on Friday for that purpose but since we are meeting now there will not be a committee meeting on Friday morning.

First just a couple of administrative items: One, I anticipate having the same subcommittees as last year, so if you have any preferences regarding subcommittee assignments, please send me an e-mail letting me know what subcommittees you want to be assigned to. I can't make promises, but I will do my best to satisfy any concerns. The election subcommittee normally has the heaviest workload so I reserve the right to send elections type bills to other subcommittees if I think the election subcommittee is overloaded. But other than that, please let me know.

Also I'd like to point out to the members of the committee House Bill 259. I encourage everybody to take a look at House Bill 259. I'm patroning that bill. That bill is making technical adjustments to the [4] House of Delegates districts. It's based on input from general registrars. I sent a letter out to all the general registrars throughout the state a couple months ago asking if they had any recommended changes to the

districts to try to do away with split precincts and things like that, so that House Bill 259 is, incorporates their inputs, does not incorporate any inputs from the members, so I'd encourage you to take a look at that.

Delegate Albo.

DELEGATE ALBO: I looked the bill up, and it's basically a recitation of the census blocks, so the only way a person can understand it is if it had been reduced to some kind of map or something.

DELEGATE COLE: Okay. We can get a summary out.

MR. AUSTIN: Now that the bill is introduced we can go ahead and make that public on the General Assembly's redistricting web site.

DELEGATE COLE: Okay.

MR. AUSTIN: If you have individual questions we can help you look at your district or of the districts.

DELEGATE ALBO: I memorized all my census blocks, but I was wondering if you guys might not have [5] done that.

DELEGATE BELL: Mr. Chair?

DELEGATE COLE: Yes?

DELEGATE BELL: My local registrar asked about this issue, asked if there would be limits to the 1 percent deviation, whether that is no longer a limiting factor.

DELEGATE COLE: Yes, that is a factor. As you are aware of, last year the committee adopted guidelines for the redistricting, and one of them was no more than 1 percent plus or minus deviation from the standard population. That still applies to any

adjustments to the districts. And some, I will comment in case you hear from your registrar that some of their inputs were not included in the bill. Some of the inputs that we did get from the registrars exceeded the 1 percent deviation and those were not included in the legislation.

All right, now on to business. We have one bill before us today and Delegate Bell is the patron of that bill. What's the bill number?

DELEGATE BELL: Mr. Chairman, it's House Bill 251.

DELEGATE COLE: Okay. Delegate Bell, would you like to present your bill?

[6] DELEGATE BELL: Mr. Chairman, with your permission I'll present it from my seat.

This is not a new bill. For the new members I'll walk through what it is and what it does. As everyone knows, there's a decennial census in the entire United States, and once the decennial census is done, we are required to redraw the congressional maps to reflect the new numbers. Some districts are too big, some districts are too small.

Last year my predecessor, Delegate Janis, worked with Congress in Washington to construct a map which is before you. This is the identical map to what was passed as the engrossed bill last year, so the members from last year, there are no changes to it, and I would pass out to this committee there were 2 dissenting votes and they changed their votes after the amendments on the floor, so all the members currently sitting on this committee voted on this bill before.

For the new members when you look at the map, it does several things. It preserves the core of the existing congressional districts, it complies with the rule of one man one vote. Let us emphasize that the federal elections that there's no 1 percent or 2 percent or 5 percent deviation, it has to literally be one person one vote, so it does comply with the one [7] person one vote, it complies with other federal statutes, most importantly the Voting Rights Act, and it has been individual members who were consulted with and approved their individual districts. Now they were not shown the entire map at the time as I understand it but at the time they approved their individual districts.

So with that, Mr. Chairman, I present the bill for your approval. Thank you.

DELEGATE COLE: House Bill 251 is before us and every member should have a copy of it in front of them. Are there any questions of the patron from committee members?

Delegate Sickles.

DELEGATE SICKLES: Mr. Chairman, could you tell me the percentage of minority vote in the before existing in the third congressional district and then what it was before and what the 2 make it?

DELEGATE COLE: Talking about the third district?

DELEGATE SICKLES: Third district.

DELEGATE COLE: Delegate Bell?

DELEGATE BELL: Make sure I understand the gentleman. The current third lines using the 2010 census is 53.1 percent voting age population which is

[8] the metric that they use, it's not the total population, it's voting age population, and the lines as drawn on the redrawn third with the 2010 census numbers is 56.3.

DELEGATE COLE: Delegate Alexander?

DELEGATE ALEXANDER: Delegate Bell, this bill is identical to what we passed in 2011, is that correct?

DELEGATE BELL: Yes. If you recall it was one minor amendment on the floor which I actually think was suggested by the gentleman and his neighbor, Mr. Howell, but with that, this is identical to as it passed the floor, yes, sir.

DELEGATE ALEXANDER: This bill was also cleared by the U.S. Justice Department, is that correct? Has to go to the Justice Department?

DELEGATE BELL: Will have to go. The preclearance, they don't do anything until we give them something to work on, but we have not yet. As you know last year ended without us reaching a bill that passed the House and Senate so we have not sent anything to them yet.

DELEGATE COLE: Are there any other questions? Delegate Miller.

DELEGATE MILLER: I'm probably not [9] reading this correctly, may be left off by staff, on the sheet, pages given for absolute numbers in each district, for district 10 on page 16 going to page 17, we start each district with the cities and the counties. Am I just reading this wrong? I don't find Fairfax in there. We have Clarke, Frederick, Loudoun, Manassas, Manassas Park, and Winchester.

DELEGATE ALEXANDER: It's not an accident.

DELEGATE BELL: Those are not full counties, then you see right below that, it's been broken up, Fairfax is only part of Fairfax and so forth.

DELEGATE MILLER: So break out, okay, I understand.

DELEGATE BELL: Partial but it has the full counties for the first 2, 3 --

DELEGATE MILLER: I got it. All right, I knew there'd be an explanation.

DELEGATE COLE: Any other questions? Delegate Dance?

DELEGATE DANCE: And Petersburg is in one district?

DELEGATE BELL: I believe Petersburg is in, to answer the gentle lady, Petersburg is in the [10] third district and the entire is kept all in one place so it is listed at the very first beginning of the third district which is on page 3.

DELEGATE COLE: Any questions of committee members?

NOTE: Motion made to report and seconded.

DELEGATE COLE: There is a motion and second to report. Before I hold a vote on it I want to invite any members of the public if they wish to speak on the legislation. Are there any members of the public who wish to speak on the legislation? Seeing none, all right, we have a motion duly made and seconded before us to report House Bill 251. Is there any discussion?

Delegate Sickles.

DELEGATE SICKLES: I honestly do not remember voting for this. The last time I'm pretty sure I voted against it on the floor, and I was surprised to hear Delegate Bell say that everyone voted for it because there was an alternative that I think is much better the Senate passed and --

DELEGATE BELL: Mr. Chair, may I correct, I see that in fact Delegate Sickles did not vote, I apologize. I looked at the nays and I did not see your [11] name. Hugo, Gilbert, and Sickles did not vote in committee the last time it came through so I stand corrected.

DELEGATE SICKLES: That was not on purpose, Mr. Chairman. I must not have been there. I would have voted no.

DELEGATE COLE: All right, any other discussion? All right, no more discussion. The clerk will call the role.

THE CLERK: Putney (aye), Ingram (aye), Jones (aye), Albo (aye), Cosgrove (not present), O'Bannon (aye), Bell (aye), Miller (aye), Landes (aye) Hugo (aye), Cox (not present), Ramadan (aye) Ransone (aye), O'Quinn (aye), Scott (not present), Alexander (aye), Joannou (not present), Sickles (no), Howell (aye), Dance (aye), Spruill (no), Cole (aye).

DELEGATE COLE: The bill is reported 16 to 2.

All right, again I'd like to remind members I will be making some committee assignments and we'll be referring bills to subcommittee either by e-mail -- we won't be meeting on Friday. If you have preferences on subcommittee assignments, please let me know.

The committee is adjourned.

Transcript of Conference Call Before The Honorable Robert E. Payne, *Bethune-Hill v. Va. State Board of Elections*, No. 14-cv-852 (E.D. Va.)

(June 4, 2015)

(Plaintiffs' Exhibit 68)

[3] PROCEEDINGS

JUDGE PAYNE: Hello. Do we have, to begin with, Judge Lee and Judge Keenan?

JUDGE LEE: Yes.

JUDGE KEENAN: Yes, Judge Payne.

JUDGE PAYNE: And then we have for the parties, would you please identify yourself and who you represent, and then each time that you speak, give your name, for we have a court reporter here for these processes. The court reporter does not need the name of Judge Lee and Judge Keenan spoken every time, but for the lawyers who are unfamiliar to us, we need that.

MR. HAMILTON: For the plaintiffs, Your Honor, this is Kevin Hamilton from Perkins Coie, and with me on the phone is Bruce Spiva and Aria Branch.

MR. TROY: Your Honor, this is Tony Troy for the defendants State Board of Elections and Department of Elections, and I believe I also have on the phone with me Dan Glass and Godfrey Pinn. Dan, anybody else?

MR. GLASS: That's it.

MR. BRADEN: Your Honors, it's Mark Braden at Baker and Hostetler. I have Jennifer Walrath with me, and we are here for the defendant intervenors the Speaker of the House and the House of Delegates.

[4] JUDGE PAYNE: I'm sorry, your name is what?

MR. BRADEN: Mark Braden.

JUDGE PAYNE: And her name is what?

MR. BRADEN: Jennifer Walrath.

JUDGE PAYNE: Who just joined the meeting?

MR. PINN: Godfrey Pinn joined.

JUDGE PAYNE: All right, that's everybody. You have the order that was issued on the -- docket 58 to set the agenda. The process we'll follow is to ask you to comment on each of the topics, and then any time one of the judges wants to ask questions, they'll ask the question that they want to ask, and if anybody thinks of anything that needs to be dealt with, whether it's on the agenda or not, it can be raised.

The best process, given the need for a record, is if we speak, make sure we don't trample on each other's lines when we talk.

So I will say that I have gotten the 60 privileged documents that were submitted in the notebook, and I haven't had a chance to look at them yet. I will look at them, and then we'll be talking among the judges about that, and you'll hear from us just as promptly as we can.

I gather you've seen the order extending the time for the filing of motions *in limine*. All right, for the [5] plaintiffs, how many witnesses do you expect?

MR. HAMILTON: Your Honor, we anticipate calling four witnesses; three members of the House of Delegates plus Steve Ansolabehere. He's a professor from Harvard University, and he'll be serving as our expert in this case.

JUDGE PAYNE: Who are the House members you're calling?

MR. HAMILTON: They'll be Delegate McClellan, Delegate Dance, and Delegate Armstrong, although we may, depending on how things progress, whether we call all three of them or just two of them, we're not certain, but those are the three.

JUDGE PAYNE: Delegates McClellan, Dance, and Armstrong, and then you have an expert, and who is that?

MR. HAMILTON: His name is Dr. Stephen Ansolabehere, and for the court reporter, it's spelled A-n-s-o-l-a-b-e-h-e-r-e.

JUDGE PAYNE: How long do you expect the testimony -- let's assume for the moment that you call all of the listed delegates. How long is the testimony of each expected to be, just approximately for planning purposes?

MR. HAMILTON: Sure. Thank you, Your Honor. Well, we anticipate the delegates to be relatively focused [6] and straightforward, so I would anticipate somewhere between 30 and 60 minutes total including likely cross-examination, but I would say 30 to 60 minutes for planning purposes ought to be plenty.

JUDGE PAYNE: You mean all of them or each of them 30 to 60 minutes?

MR. HAMILTON: Sorry, each of them.

JUDGE PAYNE: You're mindful of Rule 611, aren't you, about duplicative testimony?

MR. HAMILTON: Absolutely, Your Honor. We have no intention of duplicating testimony. They will

not be testifying as to the -- they're going to be testifying generally to similar topics, but they'll be -- they each have separate and distinct factual knowledge that we think will be helpful to the Court.

To the extent that it's duplicative, we will try and streamline that so we don't waste the Courts' time. I remember the Court's admonition in the *Page* case to move things along, and I haven't forgotten.

JUDGE PAYNE: The expert, how long do you expect the expert will be?

MR. HAMILTON: Well, the parties are -- I know this is a later topic on the subject, or on the agenda, but the parties are discussing a stipulation to allow the admission of virtually all the documents. We're going to [7] certainly avoid calling any foundational witnesses from the state for the purpose simply of identifying or authenticating or laying a foundation for documents.

Instead, the approach -- counsel, speak up if I misrepresent here, but I think all counsel have agreed that it would be far better to simply stipulate to the authenticity and foundational requirements for all of the documents and probably the admissibility for all the documents, but we haven't gotten quite that far yet.

As to the -- and the only reason I bring this up is as to the expert report, so long as we get the expert report in evidence through a stipulation, then I think we can streamline Dr. Ansolabehere's testimony because we won't have to go through everything, and instead, what I would intend to do is focus on his primary conclusions, his methodology for reaching

that and explaining it, answering any questions any member of the Court might have, and then moving on.

So I think we ought to be able to present -- for my planning purposes, I've put down three to four hours ought to be plenty, and I'm guessing we can do it more efficiently than that.

JUDGE PAYNE: That, however, assumes that there's an agreement that the report comes in; is that what you are saying?

[8] MR. HAMILTON: Yes, Your Honor.

JUDGE PAYNE: Because the report is hearsay and doesn't ordinarily come in, and in the Page case, everybody agreed to it so they came in.

MR. HAMILTON: That's right. And the parties have agreed so far that we would follow the same approach here.

JUDGE PAYNE: All right. All right, Mr. Troy, for the state defendants, the Board of Elections clients that you have, how many witnesses do you anticipate?

MR. TROY: Your Honor, we will be relying upon the witnesses presented by the defendant intervenors and so anticipate not putting on any witnesses. One witness we have would be the head of the Department of Elections only if there's a technical question, and I cannot anticipate that. So the answer is, we will not be presenting evidence other than relying upon the witnesses of the defendant intervenors.

JUDGE PAYNE: Well, if you do that, will you be questioning them yourself as well?

MR. TROY: I do not anticipate that, Your Honor, no.

JUDGE PAYNE: All right, the intervenor defendant, how many witnesses do you have, and at this juncture, who do you think they'll be?

[9] MR. BRADEN: Mark Braden. Your Honors, we anticipate either four or five witnesses. The witnesses would be Delegate Jones, who is the sponsor of the bill; John Morgan, who is the technician who worked with him in crafting the bill at his direction; and the three expert witnesses, Dr. Hofeller, Dr. Hood, and Dr. Katz.

So we don't know whether it will be necessary to call both Morgan and Jones or whether we would simply call Delegate Jones. And to walk through the time --

JUDGE PAYNE: Excuse me just a minute. Is that John Morgan, is he the expert who worked with him?

MR. BRADEN: Well, he's -- he will not be an expert witness in this case. He is an expert -- he was a consultant who worked with Delegate Jones in the crafting of the plan. It's the same John Morgan who testified in the other case, but in this case, he actually was involved in the crafting of the plan at the direction of Delegate Jones.

JUDGE PAYNE: All right, and what's Hofeller -- what are Hofeller, Hood, and Katz, basically what are they going to address respectively?

MR. BRADEN: Dr. Hofeller is an expert on drawing plans and compactness in comparison to other plans. So he'll be talking about the construction of the plan and their compactness in comparison to other plans either in [10] Virginia or other locations or in other litigation. So talking about compactness, contiguous, sort of standard issues like that.

Dr. Hood will be talking about the construction of plans. He's been an expert witness in many cases in this area. He will be talking about the political nature of the plan, the underlying communities of interest, traditional communities of interest, and other sort of traditional criteria for the line-drawing process, and Dr. Katz is a political science and statistician from Cal Tech, and he will principally be testifying disputing the expert witness testimony of the plaintiffs.

He has serious questions about their analysis on both compactness, but most importantly on the statistical analysis of VTD, vote tabulation districts, and the notion of racial block voting. He has questions about the methods used by the other professor, and he's a well-known statistician from Cal Tech. That's what he's testifying to.

JUDGE PAYNE: How long do you anticipate the testimony of these witnesses to be?

MR. BRADEN: I would anticipate Delegate Jones' testimony to be four to five hours at least. It's a hundred districts. He doesn't have to talk about every district, but to be candid with you, to describe the plan [11] and the underlying reasons will be quite lengthy testimony, so I would expect four to five hours. I would expect Mr. Morgan, if he testifies, to probably take approximately an hour. The expert witnesses I would expect to be two to three hours each.

JUDGE PAYNE: All right. Judge Keenan and Judge Lee, do you have any questions on those topics at this point?

JUDGE KEENAN: No.

JUDGE LEE: I don't have any questions. Thank you.

JUDGE PAYNE: As to the number of exhibits and the objections, are you all -- when are you going to know whether you stipulate the admissibility of all exhibits and/or whether there needs to be a ruling on any objections? What is your timetable for doing that?

MR. HAMILTON: Your Honor, this is Kevin Hamilton for the plaintiffs. The exhibit list is due, I believe, on June 19th.

JUDGE PAYNE: Yes.

MR. HAMILTON: And so I, speaking for the plaintiffs, I anticipate we'll be using all that time to identify and compile our exhibits, and it will be the week after June 19th that we'll be reviewing the intervenor's exhibits, they'll be reviewing ours, and we'll come to a [12] stipulation.

We are already -- I've already forwarded to the other parties in the case a partial list to start the dialogue going, and Mr. Braden has expressed an interest in, you know, providing similar early lists to plaintiff. So the idea would be that we would be -- as we build our witness list toward the filing on June 19th, we'd be exchanging exhibit lists back and forth and hopefully reaching as much agreement as we can.

So I would anticipate, in answer to the Court's question, the week after June 19th that we'd be able to identify to the Court whether we've successfully navigated that issue or whether there are any areas remaining in dispute.

And, Your Honor, before we move on, I did want to say, I do anticipate a rebuttal case, responding to the three different experts that defendants are calling.

JUDGE PAYNE: So what kind of rebuttal case do you think you're going to have?

MR. HAMILTON: I anticipate that it would be simply calling Dr. Ansolabehere to respond to the expert testimony.

JUDGE PAYNE: For approximately how long do you think?

MR. HAMILTON: You know, if I heard Mr. Braden [13] right, he's going to be presenting six to nine hours of expert testimony between the three of them, so, you know, maybe a couple hours to respond to that, at most.

I honestly think there's an awful lot of duplicative testimony between the three, so we should be able to respond to it fairly, fairly promptly. By that time, I'm quite certain that the Court will be ready to have us moving it along, and I'll do the best I can, but it's difficult, not having heard what they're going to say for nine hours or eight hours or six to nine hours, I don't know in advance how long it will take to rebut that.

JUDGE PAYNE: All right. So you're going to check back with us after the 19th about whether you've agreed on things; is that correct?

MR. HAMILTON: That's correct, Your Honor, and I guess I would propose maybe perhaps that -- the 19th is a Friday -- perhaps by the 26th, I guess I could propose that we could file something with the Court to let the Court know the status of those discussions.

JUDGE PAYNE: Well, I'd like to hear before then so that we can build in time to rule on any objections if we need to. I guess that can all be done on the 26th; is that what you are thinking?

MR. HAMILTON: I was thinking on the -- just the proposal would be that on the 26th, the parties would [14] submit hopefully a joint document that simply says, you know, the parties have met and conferred and stipulate to the admission, to the authenticity, and admissibility of all of the documents under respective exhibit lists with the exception of, if there is any, Exhibits 12, 17, 39, and 84.

JUDGE PAYNE: I was just looking at my book here, and I can't find -- I probably wrote it down somewhere else. Is there a final pretrial conference set here for our case, and if so, when?

MR. HAMILTON: Your Honor, again, it's Kevin Hamilton for the plaintiff. I am looking at the Court's order -- the pretrial scheduling order of March 3rd. Paragraph 12c has a deadline of June 25th, "Any objections to exhibits shall be filed with the clerk no later than June 25th." That's a Thursday.

So I guess the Court has already set a deadline for indicating whether there's objections with the Court, and I guess we propose we adhere to that deadline.

JUDGE PAYNE: I don't have that order in front of me. Is there a pretrial conference date in that order?

MR. HAMILTON: I don't believe so.

MR. BRADEN: This is Mark Braden. We don't see a date for that, no.

JUDGE PAYNE: And is there a date in that order [15] for the hearing of motions *in limine*?

MR. HAMILTON: I don't believe so, Your Honor. This is Mr. Hamilton. I don't believe so, Your Honor.

JUDGE PAYNE: We probably need to set that date, so we'll see how we proceed. All right, it might be helpful to discuss item five, the theories of the case for each side, to kind of help get us oriented and thinking in the right direction, and we may end up, each of us, of the judges may have questions as you go along, so anybody, just feel free to interject at such time as you want to. So start with the plaintiff.

MR. HAMILTON: All right. Thank you. Your Honor, from the plaintiff's perspective, this is a really straightforward case, and our case theory is fairly simple. The equal protection clause of the 14th Amendment forbids race-based redistricting absent a compelling state interest, and even then, even if the state does identify a compelling state interest, it can use race only when it's narrowly tailored to meet the state interest. That's the law.

Our theory of the case is that in 2011, the Virginia General Assembly used race as the predominate factor in drawing the 12 house districts that are at issue in this case; B, had no compelling state interest for doing so; and C, in any event, failed to narrowly tailor [16] those districts to meet whatever state interest defendants or intervenors might identify.

The case, we think, is substantially easier and clearer than the recent Page decision which involved the Third Congressional District in Virginia last year before this Court, and that's for two reasons. First, to the extent that there was any doubt about the controlling legal standards for such a claim, they have been emphatically laid to rest by this Court's decision

in the Page case last year and by the Supreme Court's decision in the recently decided case of *Alabama Legislative Black Caucus v. Alabama*.

There, the Supreme Court made it clear that a legislature may not utilize, and I quote, mechanical racial targets, close quote, in a misguided effort to comply with the Voting Rights Act non-retrogression standard. That alines precisely with this Court's ruling in Page to the same effect.

So that's the first reason, the law is substantially --

JUDGE PAYNE: Is it your view that there was some mechanical formula or figure used? Is that what you are going to seek to prove?

MR. HAMILTON: Exactly, Your Honor, and that's the second reason why this is an easier and clearer case [17] than Page. The record before the Court, the delegates, Delegate McClellan, Delegate Dance, and Delegate Armstrong will testify that they were aware and they were told of a 55 percent black voting age population threshold or floor that was used in drawing all of the 12 majority/minority districts, and you'll hear during the course of the trial that black voting age population figure repeated over and over again in testimony and in the documents, 55 percent BVAP, B-V-A-P, is how, as you know, Your Honor, is how it's referred to.

In addition, the chief map drawer, Delegate Jones, who the intervenors intend to call, himself repeatedly and emphatically articulated that 55 percent BVAP floor in the floor debates before the House of Delegates and in email communications that have been produced during the course of discovery.

There are transcripts of several floor debates and a committee hearing that we'll be presenting and putting into evidence in which the delegate, Delegate Jones, is responding to questions on the floor of the House about how it was drawn. The evidence will show that when requests were made to fix a precinct split or a voting tabulation district split, it was rejected. Even though the black voting age population resulting from fixing that split would have been 54.8 percent, it was [18] rejected, and the reason given was because it didn't meet the 55 percent target, and that's a quote from the document, and we'll be presenting that in evidence.

Two-tenths of a percent was too much, and that demonstrates how the black voting population threshold or floor was used to trump all other considerations.

So we think the case is pretty straightforward. The legal standards have been reiterated and clarified, and the record is even clearer and stronger than the record that was before the Court last year in Page.

JUDGE PAYNE: All right. Judge Lee or Judge Keenan, do you all have any questions for the plaintiff on that topic?

JUDGE LEE: I don't have any questions.

JUDGE KEENAN: I only had one question with regard to the absence of a compelling state interest and in any event no narrow tailoring. Does the plaintiff intend to present evidence in its case in chief, or is that going to be saved for rebuttal?

MR. HAMILTON: The expert witness -- I mean the answer is, Your Honor, I believe we'll be presenting evidence on that with respect to -- in our case in chief, and this is how it works, or this is how it will be presented, I think.

In these cases, often the explanation is -- I [19] think the explanation of the state here for using the 55 percent black voting age population is we needed to prevent retrogression, meaning we needed to prevent any retrogression in the ability of the minority community to elect a candidate of their choice, to have opportunity to elect the candidate of their choice, and typically, the way that a state would do that in order to comply with the Voting Rights Act is to conduct a racial block voting analysis in order to determine what level of BVAP, of black voting age population, do we need to have in this district to ensure that the minority population has the opportunity to elect its candidate of choice.

And the problem here is that the State did not do a racial block voting analysis, and, of course, that's obvious because they used a single number for 12 districts across the board, and even the defendants -- I'm sorry, the intervenor's own expert will say that he'd be shocked, he'd be surprised if the level of white crossover voting would be the same in all 12 districts such that black BVAP were -- exactly the same for all 12 would have been required.

So that's part of our case in chief of identifying -- sort of blowing up -- you can't -- the State cannot point to compliance with Section 5 of the Voting Rights Act as their defense using race.

[20] And the other -- the only other explanation they'll come forward with is it was all about politics, and that is not a defense to using race in violation of the 14th Amendment. That is not a legitimate -- that may be a legitimate purpose in the course of redistricting, but it's not a compelling state interest, and the problem here is that the map drawers used race, not politics.

It's a 55 percent black voting age population floor that was used. They didn't use, you know, some measure of democratic or republican political performance. If they did, that would have been permissible. That's legal to do, but the 55 percent rule is not 55 percent democratic performance or republican performance. It's 55 percent black voting age population.

It's sorting people by the color of their skin. It's forbidden by the 14th Amendment absent a compelling state interest, and part of our case in chief through Dr. Dr. Ansolabehere will be to explain that there was no racially polarized voting analysis done here, and this was not done in an effort to comply with the Voting Rights Act.

JUDGE PAYNE: Does that answer your question, Judge Keenan?

JUDGE KEENAN: Yes, thank you.

JUDGE PAYNE: Do you propose to present, Mr. [21] Hamilton, as a part of your case, an alternative map to show what it would have -- or should have looked like if the proper procedures had been followed?

MR. HAMILTON: Your Honor, it's Mr. Hamilton for the plaintiffs. We have not -- we have not prepared

our own map for use -- or maps from all 12 legislative districts. We do intend to offer maps that were before the House of Delegates at the time.

JUDGE PAYNE: The things that they had available to them to consider.

MR. HAMILTON: Correct.

JUDGE PAYNE: But you're not offering your own map to show what properly should have been done.

MR. HAMILTON: Correct, Your Honor, we're not.

JUDGE PAYNE: As I understand what you said in discussing your case, you do not intend to take on each district individually, because what you are doing is striking at the one basic point, and that is the application of the 55 percent BVAP figure as a floor, and that permeated and controlled all of the drawing -- the drawing of all the districts that are at issue, and you're not really going to be attacking them district by district; is that correct?

MR. HAMILTON: Not really, Your Honor. We will be attacking them individually through the use of Dr. [22] Ansolabehere who goes through each individual one. I think the Court in *Alabama* made it clear, and perhaps that's the genesis of the Court's question, made it clear that you do -- it is a district-specific analysis that's required, and that is exactly what Dr. Ansolabehere will be doing.

You are absolutely correct, Your Honor, that the same 55 percent rule is applied to all 12, and that, of course, is a fact that's relevant to each of the 12 districts, but in addition, Dr. Ansolabehere is looking at compactness of each of the 12 districts, and he's doing an analysis of the VTD which is the -- or

precincts that were moved into and out of each one of the 12 districts in order to analyze both race and politics to answer the question, what's the more powerful explanation for which precincts were included and which precincts were excluded -- is it race or is it politics -- and the conclusion that he comes to is that, by far, race is a far more powerful explanation or predictor for explaining -- in other words, you can have similarly situated politically performing districts, and if one is more heavily black than the other, then the black district is more likely included rather than excluded.

JUDGE PAYNE: That's really a rebuttal point, though. Once they raise the issue of political reasons, [23] if they do that, then you put on your testimony about that's not correct; isn't that how you go about it?

MR. HAMILTON: I think it's an inherent part of our case in chief, Your Honor, that we have to demonstrate that race was the predominant factor in drawing these districts, and one of the pieces of evidence that goes to that point is how those precincts were selected. I mean, they were selected because of race. I mean, I think it's necessarily race, not politics --

JUDGE PAYNE: But as to each of the 12 districts, you are saying that the 55 percent is the controlling factor, and the other factors that you are going to discuss through the doctor, whose name has slipped my mind now --

MR. HAMILTON: Ansolabehere.

JUDGE PAYNE: -- is really for the purpose of explaining why race is the predominant question, issue.

MR. HAMILTON: That's right. That's exactly right.

JUDGE PAYNE: Okay. How about the defendants?

MR. TROY: Your Honor, Tony Troy. We believe that the plan is defensible. I was going to emphasize, but the discussion just verified that each and every district has to be looked at and analyzed, and the defendant intervenors are, I know, going to be presenting [24] evidence on each of those instances.

JUDGE PAYNE: All right. Mr. Braden.

MR. BRADEN: Your Honor, this case, from our point of view, is very much simply a replay of *Wilkins v. West* from ten years ago. The same attacks were made on the Virginia redistricting plan following the last census.

This plan is, in many ways, like that plan except the plan that was adopted following the last census is a plan that is -- the House delegate is more compact. It doesn't have the contiguousness issues that were present in the other plan, and it had much broader political support.

The *Shaw* claim that's being made by the plaintiffs in this case requires that they show that race predominates over all other traditional race-neutral principles for redistricting, that the plan itself is unexplainable other than based upon race.

We're going to show the Court the various districts that had been rejected in prior Shaw-style litigation, and you'll see that they all involve plans which have districts that, frankly, don't look like

districts. They don't bear any resemblance to any notion of geography.

Our intention is to go through district by district and explain why the districts look the way they [25] are. They are more compact, and, in fact, they are compact as defined under the Virginia constitution. The Virginia constitution, unlike most states, has a very specific provision about districts being compact and contiguous.

The plan adopted by the legislature here clearly meets those requirements as articulated in ***Wilkins*** *v.* ***West***. It's a more compact plan, and the contiguous issues that were raised in that litigation, frankly, were solved in this plan.

So this is a plan under Virginia law that is compact. That's the basic principle we're talking about here, that in all the ***Shaw*** cases is the beginning of the process of an indication of this plan is not explainable under traditional redistricting criteria. So it's our intention simply to go district by district and explain why the lines are drawn the way they are. The long and short of it is, yeah, is race considered? Absolutely race is considered, but race does not get you to strict scrutiny unless you have ignored the other traditional redistricting criteria and race is predominant.

If race alone, if the consideration of race alone resulted in strict scrutiny, then every single legislative plan in the United States, with the exception of Vermont [26] and Maine, would be subject to strict scrutiny.

If you look at *Cromartie*, you look at the whole line of *Shaw* cases which control here, the first step is the

plaintiffs have to show that race predominated over all other, all other criteria. It cannot prove that. We will walk through -- and that's the reason why we have the architect of the plan.

The process of drawing a legislative plan is complex, complex both legally and politically. So, you know, it's going to be -- we're talking about Delegate Jones being on the stand for a lengthy period of time so you can walk through the process of the line-drawing process, why the districts look the way they do.

I hear that they're going to call Delegate Armstrong, the minority leader, and one of the reasons why the plan was drawn the way it was is now Delegate Jones is no longer a member of the legislature. He lost his seat because of the way the lines were drawn. He was a minority leader.

So what we're talking about here is a process of walking through for the Court why this plan is faithful to a series of criteria which were adopted by the legislature, very specific criteria adopted by the legislature and very traditional. So we just simply are going to walk through the process and explain to the Court [27] the plans that are being attacked here look nothing like the plans which had been rejected by the Supreme Court in prior litigation. We don't look anything like those.

This is a plan where race was most certainly considered, but that doesn't get you strict scrutiny. So if you've got the strict scrutiny, we certainly believe we could survive that, too, because it must be a compelling state interest to comply with one-person-one-vote but also to comply with the Voting Rights Act,

and in this case, we're not simply talking about compliance for purposes of preclearance under Section 5, but we're also talking about compliance under Section 2.

Thornburg v. Gingles requires the creation of districts where you have racial block voting present which the history of Virginia certainly is an indication of that. We have a substantial legislative record where we've gone around the state and gotten testimony. There's plenty of history of Section 2 litigation in the state of Virginia where they found racial block voting.

So there's -- the *Thornburg v. Gingles* series of cases most certainly means that we have to look at discrete minority communities. If we can draw a reasonable district around them that's reasonably compact and we have racial block voting and polarized voting, we have to create those under Section 2.

[28] So we're not only talking here about a compelling interest under section -- to get the plan precleared. We're also talking about the needs of Section 2 to get the plan so we're not in a piece of litigation where the same plaintiffs lawyers we have right now are suing us because we didn't create these districts.

JUDGE PAYNE: Are you going to offer evidence that all that was taken into account in constructing the plan?

MR. BRADEN: Absolutely. No question about that whatsoever. We had a series of hearings around the state. The 55 percent number doesn't come from thin air. It comes from testimony before the House of Delegates. That's to find numbers needed to be able to create functioning minority districts.

You know, this litigation -- we should all be very candid. This litigation is not about representation of the minority community. The problem the plaintiffs have with the plan is the fact that after the plan was drawn, it had the political effect that people intended it to have. The vast majority of the incumbents got reelected except for a few democratic white members lost.

That's the predominant underlying purpose of the plan. We shouldn't pretend anything else. This Court should be well-aware of that. That's what's going on [29] here. This plan was drawn for political purposes. The effect of the plan in the actual following election was just what was predicted was going to happen.

So the notion that race predominated simply flies in the face of reality, both the way the plan looks, the way the plan was constructed, the evidence underlying it, and the effect of the plan. The effect of the plan was some white democratic members of the legislature lost. Has nothing to do with race. It had a lot do with politics.

JUDGE PAYNE: Are you saying that you're going to offer evidence that the predominate purpose was to knock out some democrats? Is that what you are saying?

MR. BRADEN: Absolutely. That was one of the predominate -- the magic word here, a predominate purpose, the predominate purpose of the plan was to maintain the status quo. That is, in fact -- the recognized purpose of the plan was to maintain the status quo. Because of population changes, certain districts had to be moved around the state.

When you move districts around, there is losers. Republicans were in charge. The losers were white democratic members, absolutely. No one should -- we don't need any political scientist from Harvard to tell us the reality of what happened here. The notion that somehow or [30] another there's some standard use of racial polarized voting, I see no history -- the State of Virginia has submitted a number of plans to the Department of Justice for preclearance. I can find no record of the State of Virginia hiring a political science professor to do a racial block voting before doing this submission.

The record, I believe even in the *Page* case, the *Page* Court recognized that a racial block voting analysis by political scientists was not necessarily better than the elected members from those districts.

The 55 percent number comes from members elected from those districts and people who live in those districts as to what was necessary for the minority community to elect their candidate of choice. It's not a number picked from thin air.

JUDGE PAYNE: All right. Now, Judge Lee, Judge Keenan, do either one of you have any questions at this point?

JUDGE LEE: I'm ready to hear the evidence in support of oral argument. I think we've already heard some closing arguments now. Thank you.

JUDGE PAYNE: We have, haven't we? I have this question: What is the significance in the law of saying that the political result, the objective was to knock democrats out of seats? Does that present a [31] quintessential political gerrymander case that we're dealing with here? If so, what does that do to the legal

construct of the case if we accept that view? I'm sure --

MR. HAMILTON: Your Honor, this is Mr. Hamilton for the plaintiff. It's no different than the argument that was advanced in the *Page* case and that's always advanced in the *Shaw* line of cases that it's politics, not race, and that's exactly why courts look to the evidence, and what the Court, the Supreme Court has held in these cases is if you're going to use race, and your explanation for using race is that you need to do it in order to prevent retrogression under the Voting Rights Act, then you have to have a strong basis in evidence for that belief, and the strong basis of evidence typically is a racial block voting analysis, and the absence of doing that makes it awfully difficult for the State to say that we had to do this in order to prevent retrogression in a minority -- to allow -- to prevent retrogression from a minority community's ability or opportunity to elect candidates of their choice.

This isn't something that's been made up. It's in the Department of Justice regulations that were in evidence last year before this Court and will be in evidence again this year in this case.

JUDGE PAYNE: But, Mr. Hamilton, no Court has [32] ever held that a block voting analysis case is the only way to prove what they're proving; is that right?

MR. HAMILTON: Fair enough, but it's certainly not the case that it's the opposite. It's not the case that a court has ever said, oh, well, we've had some black delegates say I need a higher number of -- again using race -- black voters in my district in order to get reelected. The constitutional analysis is no different

than if you flip that around and you have white delegates saying --

JUDGE PAYNE: I understand. I just was asking the question if there's a case that I'm unaware of about that, but the question -- I don't recall in *Page* that there was any evidence or that it was the same as what Mr. Braden just said.

In *Page*, it was a combination of the political desire plus the traditional voting -- traditional redistricting criteria that the defendants rode as their defense.

Here, we seem to be talking about achievement of a particular political result as the predominate purpose, and to my knowledge, the Supreme Court has never upheld political gerrymandering absent some purpose such as to maintain a balance, fair balance or to achieve fairness.

That's why I was asking Mr. Braden the question, [33] whether or not that's what he was doing. So neither one of you see this construct -- this is raising a different issue than is raised in *Page* which is fundamentally what was the predominate purpose, and that's as far as you are going, Mr. Hamilton, and that's as far as you are going; is that correct, Mr. Braden and Mr. Hamilton?

MR. BRADEN: It's our belief that you do not get to strict scrutiny until the plaintiffs prove that the predominant purpose was race.

JUDGE PAYNE: Okay.

MR. BRADEN: Until such time, the Court does not need to consider the issue of strict scrutiny. It's the wrong construct at that stage.

JUDGE PAYNE: All right, Mr. Hamilton, you're of the same view, that you are trying this in the same mold as *Page*, and your theory is race was the predominant purpose, and there's no part of your complaint that's any different than that; is that right?

MR. HAMILTON: That's correct, Your Honor, and it's very clear from the application of the uniform 55 percent --

JUDGE PAYNE: You don't need to make the argument again. I think, as Judge Lee said, we heard it. How about these motions *in limine*, have you gotten any notion yet as to whether you're going to have motions *in limine*, [34] how many they're going to be, et cetera? Mr. Hamilton, how about for the plaintiff?

MR. HAMILTON: Your Honor, we have not finalized a decision on that yet. I think it's fair to say we are disinclined to be filing any motions *in limine* at this point, but we haven't made a final decision on that.

JUDGE PAYNE: How about you, Mr. Braden, do you see anything yet?

MR. BRADEN: No, we do not.

JUDGE PAYNE: All right. If you all agree on the exhibits and there aren't any motions *in limine*, we may not need a final pretrial conference or -- we certainly don't need any arguments on motions *in limine*, but maybe we ought to look to setting a date to do that, and we can do that later in just a few minutes.

I've done some quick math, and that's not my strongest suit, but I hear, assuming we start at 10:00 and quit at 1:00 and have a break in the middle, and 2:00 to 5:00 or thereabouts and have a break in the

middle, we're looking at six hours or so, five, six hours of trial time a day.

That would mean, under your time estimates, three full days at the low end. Is that how you people see your case, this case shaping up? Mr. Hamilton?

MR. HAMILTON: Your Honor, Mr. Hamilton for the [35] plaintiff. I think that the three days that the Court has scheduled ought to be fine. I guess the one -- there's a question that's hanging here, and that is, does the Court anticipate either opening statements or closing arguments?

JUDGE PAYNE: I don't know about the rest of the judges, but I don't think any closing arguments are necessary after a three-day trial when you're going to have post-trial briefs keyed to the record on an expedited basis.

MR. HAMILTON: Again, Mr. Hamilton for the plaintiff. Assuming that there's no closing arguments and that opening statements, which, at least from the plaintiff's perspective, we think would be useful, you know, a 15-minute orientation to the record from each of the parties I think would be useful at the start of the case, but assuming that, I think the three days ought to be plenty of time to try this case.

JUDGE PAYNE: I think in order to achieve that on the schedule we're talking about, which is starting at 10:00 and going to 1:00 -- Judge Lee has a docket up there that he's got to take care of, and he's got to do some early work and has to do some evening work in order to get ready for the next morning, et cetera, et cetera, so he's proposed starting at 10:00, and if we go to 1:00 with, say, a 15-, 20-minute break in the middle, that's two and [36] a half hours, and then you do the

same thing, take an hour for lunch because it takes awhile to get something to eat up there in Alexandria, another two and a half hours, you're looking at five hours maybe if we go over a little bit or something happens, and it's an appropriate thing to go over, you're looking at maybe five hours and a half or six.

You all are going to have to do some real tailoring through your questioning in order to get it in in three days. I think it is set for three days on the docket; is it not?

MR. BRADEN: I believe that to be the case, that it's set for three days. From our perspective, Your Honor, I think you correctly perceived three days will be extremely difficult. I hate to be the person suggesting lengthening it, but I have serious doubts as to whether we can do it in three days.

The Supreme Court did require us to look at each district, and from our perspective, looking at each district frankly involves looking at the districts that are surrounding it, too, to really understand why they were drawn. It's a long narrative for this plan, and it has a lot of --

JUDGE PAYNE: Well, it is, but I also note that you have two experts talking about the same topic, and [37] that's drawing plans, and I don't understand -- ordinarily in this district it's one expert per topic.

So why is there any overlap there with Mr. Hofeller and Mr. Hood? Maybe I just didn't understand exactly what the scope of their testimony was, but we don't need to hear from two experts on the same topic, I don't think.

MR. BRADEN: Your Honor, Mark Braden. I believe they are actually talking about slightly different topics. We can most certainly -- there is some overlap in their reports, and we can most certainly limit the experts to only talk about the parts of their report that are separate in analysis, Your Honor, but I do think that Jones's testimony is likely to -- given the fact that he's going to have to go through in some very substantial detail the key here is we are -- he is going to have to talk about 12 districts and then the districts that surround them, and we have an expert report on the other side saying, well, these statistics tell us X.

Unfortunately, from our viewpoint, to make our case, Delegate Jones is going to say, no, really the reason why we did this particular VTD is because the incumbent member from the other district lives there. The problem we have with the plaintiff's expert report is the plaintiff's expert, in fact, knows nothing other than the [38] numbers about the state.

JUDGE PAYNE: You don't need -- I understand that. The point is -- Judge Lee and Judge Keenan can weigh in about whether they think we need any duplicate testimony by experts on the same topics. I know both of them are pretty -- pay attention to the record pretty well when they're trying cases. Do you share my apprehension about overdoing the experts on the same topics?

JUDGE LEE: I'm not sure -- I'm sure that we will all be very hypersensitive to duplicative testimony, but I think the way it's been described, some of it may be necessary from the standpoint of particular districts and the expert's opinion, but I think we can

monitor that, and the three of us will be able to be -- and the lawyers will be able to focus that aspect of it.

I do have a concern that's been raised, and that is whether or not three days is really enough to do all the things you are talking about given the number of experts, and one of the questions I had is whether you would limit the examination of the witnesses by each side. That's probably not possible in a case like this. That is my observation.

JUDGE PAYNE: You think it's not possible? Is that what you said?

JUDGE LEE: I don't think it is possible to tell [39] in advance how much time each plaintiff gets or defendant gets on cross or direct, because you don't know what they need to prove. I don't know.

JUDGE PAYNE: Let's assume it's necessary to go over. You have a full docket, Judge Lee, on the 10th of July. That would mean going to the next week, or you'd have to change your docket.

JUDGE LEE: Well, I didn't want to do this on the phone with you. I'm open to doing what you need to do, and that is if that's carry over to the 13th, if I know now, I can make some arrangements for that.

JUDGE PAYNE: Well, that's what I'm doing, saying I don't know -- I think maybe if we really think that it's going to take an extra day, we ought to reserve that day now so we are all on each other's dance card, and I don't know what anybody's schedule is at this juncture, but, Judge Keenan, if we had an extra day, would your preference be Friday, the 10th, or Monday, the 13th?

JUDGE KEENAN: It would be Friday, the 10th, but I'm available either day, so I would leave it to you, Judge Payne and Judge Lee, regarding your trial schedules.

JUDGE LEE: If it's not terribly inconvenient, the Friday docket that we have, I have to move. I've been out for several weeks, so if I could have my Friday docket -- I could work Friday afternoon and work from 2:00 [40] until 6:00 if you need that on Friday, if you needed to do that, and then Monday, but I want to have from 8:00 to 1:00 to do my civil and criminal docket if possible.

JUDGE KEENAN: I think we're asking too much of you, Judge Lee. It seems to me that you don't need to pile on top of that on Friday afternoon.

JUDGE PAYNE: I agree with that, and I think in addition to that, what may happen is we may not even be finished. I think it's better to let you all regroup and sort yourselves out so you can definitely be finished. I'll have to make some changes for July 13th, but I can do it. Can you do it, Judge Keenan?

JUDGE KEENAN: Absolutely.

JUDGE PAYNE: Then that will be the flow-over day, but I think if you are careful, Mr. Braden, in avoiding duplication of testimony with your experts -- the way you sounded when you were describing them, there seems to be some fair overlap, but each of them is addressing some component of the traditional redistricting plan or criteria, so maybe you could confine them to discrete areas and not have them overlap and talk about the same things that the other one has talked about.

MR. BRADEN: Absolutely, Your Honor. We'll take your direction on that and most certainly attempt to tailor their direct testimony in that way.

[41] MR. TROY: Your Honor, this is Tony Troy. Would it -- if we adjourned at 6:00 on the three days rather than 5:00, would that, do you think, accommodate everyone?

JUDGE PAYNE: Well, I think this is -- to tell you the truth, before *Page*, I would have said yes. This is pretty dense stuff, frankly, and I think it's a little hard to take it all in and deal with it if you sit too long during the day, and I think Judge Lee has dockets at nine o'clock every morning, don't you, Judge Lee?

JUDGE LEE: I do, and a docket on Friday to prepare for, so I have other things to do.

JUDGE PAYNE: So between 5:00 and 6:00, he's not going out and having a drink, in other words.

JUDGE LEE: Right.

MR. TROY: That was Mark Braden who made that suggestion, not Tony Troy.

JUDGE PAYNE: Oh, okay.

JUDGE LEE: Thank you for that.

JUDGE PAYNE: Opening statements, you started that. How long -- you will have pretrial briefs, won't you?

MR. HAMILTON: We will, Your Honor.

JUDGE PAYNE: So how long an opening statement do you think you need?

MR. HAMILTON: Ten to 15 minutes, Your Honor, to [42] orient the Court.

JUDGE PAYNE: Mr. Braden?

MR. TROY: Your Honor, we probably would take five minutes to articulate our position, no more.

MR. BRADEN: And, Your Honor, it's our view that ten to 15 would be sufficient given the briefing.

JUDGE LEE: I'll remind you that brevity is the hallmark of great advocacy. JUDGE PAYNE: Do we need a separate order on that?

MR. HAMILTON: If I can make one other suggestion with respect to the length of the trial, and I brought this up with Mr. Braden before and I do not think we have agreement on it, but in other trials where we're pressed for time, I've seen courts utilize a chess clock where you take the available time that is available to both the parties, split it evenly, and charge the party who is on their feet talking with the time. So I would be charged for direct examination of my own witnesses, Mr. Braden or whoever would be charged for the cross-examination of my witnesses, and then the reverse would be true during his case, and that would be a fair way to allocate whatever limited time we've got and force the parties to concentrate on presenting their case efficiently.

JUDGE PAYNE: I have used that before, but I [43] think Judge Lee said he thought this may be a difficult case in which to operate in that fashion. Did I mishear that?

JUDGE LEE: That's what I said, but I guess my question would be to plaintiff's counsel, if you knew starting on Tuesday that you had to be done by Wednesday at lunch, could you do that?

MR. HAMILTON: Well, I certainly could. The problem is the length of the cross, but, you know, a day and a half is easy from my perspective as long as we have pretrial briefs which we do, we have stipulation on the evidence and we're not chewing up a lot of trial time arguing about admissibility of materials which I don't think I'll have that problem, but putting on our direct evidence, I think, especially in light of this discussion, we will do the best we can to be succinct, organized, and as direct as we can, but, yeah, a day and a half.

That's the reason why I said, I think, three days ought to be plenty, and I don't think that the cross-examinations, honestly, should -- in other words, the direct of the plaintiff and cross-examination of the plaintiff ought to be able to happen in a day and a half, and I think the reverse is true as well as during the defense and intervenor's case.

JUDGE LEE: The defense is going to be charged [44] with their time on cross, because their cross is really going to be substantive evidence anyway as well as whatever witnesses they call, so I think if we make that a target with the idea that unless there's some really good reason beyond that by lunchtime on the 8th, plaintiff ought to be done.

MR. HAMILTON: And there is an additional reason here that I feel compelled to say, and that is my co-counsel, Mr. Spiva, who is on the phone here, is in trial, has a trial starting in North Carolina on that Monday, the 13th.

JUDGE PAYNE: Mr. Braden, that would mean, if it's three days, you get a day and a half.

MR. BRADEN: Yes, Your Honor, and, again, I hate to be the one putting the fly into the soup or whatever here, but I do believe our case is likely to take longer than their case. Delegate Jones is going to be a very lengthy testimony before we get to direct.

We will have to walk through each district, and each district will entail a discussion of most of its boundaries, because they are alleging -- the only way we can respond to it is to explain to the Court exactly why this piece went that way and that piece went that way, and that's an involved process, because it's not -- it is -- this is legislation, and we're going to have to go down [45] and look at which pieces go in which places to explain to the Court that this was a political process, not this sort of simple, you know, black people go here, white people go there. That was not the process. It was much more complex. That is a more lengthy discussion than simply an expert witness telling you what the numbers are.

So I think a day and a half, although we will do whatever the Court directs, I think it is likely going to be difficult for us to get our witnesses on in that time frame.

JUDGE PAYNE: Maybe the judges ought to talk about this after having heard from both of you and decide which way to go. I gather from what you are saying you do not -- and from what Mr. Hamilton said, that you do not favor a clock approach.

MR. BRADEN: I do not, because I think our case involves a longer period of time.

JUDGE LEE: Counsel, do you think it is going to take you two and a half days?

MR. BRADEN: I think it will take us two days. I think it could be done in two days, but I don't think it can be done in a day and a half.

JUDGE LEE: I had that impression. Sounds like you need two, two and a half. That's fine. We can have a conversation offline, Judge Payne.

[46] JUDGE PAYNE: All right. We'll let you know right away. Are you going to be, either one of you, using deposition testimony? Mr. Hamilton?

MR. HAMILTON: Your Honor, we don't anticipate putting in deposition testimony directly except we may be using it, of course, for impeachment in cross-examination, but otherwise, if we do, we would propose submitting it in written form. We have no intention of reading deposition testimony to the Court.

JUDGE PAYNE: I understand, but also that raises the question about whether there are objections to it and how to accomplish that. So you need to fish or cut bait fairly quickly about whether you're going to use deposition testimony. If you are, we need to make sure we have the objections to it straightened out and a way to rule on what comes in.

How about you, Mr. Braden, are you contemplating the use of any -- or Mr. Troy, the use of any deposition testimony in your case other than --

MR. BRADEN: This is Braden, and the answer is no.

MR. TROY: This is Tony Troy, and the answer is no.

JUDGE PAYNE: So that doesn't look like it's an issue. Of course, in impeachment, you're welcome to use [47] whatever you need.

Intended use of the court's evidence presentation system, do either one of you want to do that? If you do, we need to make sure you know how to use it.

Judge Lee, I don't know how you do it, but we have them come a day beforehand and make sure they know how to use it working with our IT people. Is that what you do up there?

JUDGE LEE: Yes. The person they need to call is Lance Bachman. He is our courtroom IT coordinator. He will set up training and schedule your training. If you have IT professionals who will be presenting your electronic evidence, have that person come up, and make sure you have duplicate systems. That is to say if you have one laptop and it goes down, we will keep going, so you need to have a duplicate of whatever you present.

If you all have any PowerPoints or slides or things like that, make sure you have three color copies for each of the judges in addition to what you present visually.

JUDGE PAYNE: On the topic of exhibits --

JUDGE LEE: I'm sorry. They should have -- wait a minute. You should have at least six copies of whatever it is you present for the law clerk and the judge.

JUDGE PAYNE: All right. And on the exhibits, we [48] need exhibit notebooks. Do you have any idea at this juncture what the volume of exhibits are, Mr. Hamilton -- I'm hoping you can consolidate them and

make them a unified set for the most part. What are you looking at right now?

MR. HAMILTON: We anticipate -- I apologize for the large range, but somewhere in the 100 to 150 exhibits, but one of the exhibits, for example, is the Virginia submission to the Department of Justice for preclearance of these plans, and that's a really lengthy document.

So what we're intending to do is actually break it up into multiple smaller exhibits so that it's easier to use in trial, and it's easier for the Court to understand which part of this massive document is relevant to the issues before the Court.

JUDGE LEE: Let me jump in one second. The same is true for exhibits. You have to have a set for the judges and the law clerks to look at.

JUDGE PAYNE: And, of course, the witness. The other thing that you need to think about and work with, perhaps you work with Judge Lee's courtroom deputy, but getting that volume of documents into the courtroom and available to the judges is something you need to focus on so that it can be -- we won't spend a lot of time passing documents around.

[49] Typically, you'll need to make sure there's some bookcases up there, small bookcases for the judges on the bench so that we can handle the number of documents that we have to handle. If you have a large volume of exhibits, and right now it's a little premature to ask that, to ask you to give any answers to that with any accuracy, but as you get closer to trial, you're going to have to focus on how to get that accomplished, because you're going to have three sets of exhibits up on the bench, then three law clerks who

will have desks, and then you've got one for your witness and whatever you've got for the other side and yourself.

That's a lot of documentation, so you need to work with Judge Lee's -- is that how you do it, Judge Lee, is have your courtroom --

JUDGE LEE: Yes, you can contact chambers. My law clerk's name is Avier Gaitan. Avier will be able to coordinate with you, because my courtroom deputy will be able get you in the courtroom and you all can set things up, and hopefully we can -- if you're using electronic evidence, that will make things go faster from the standpoint of some of this.

I'm sure some of the judges will prefer to see the documents themselves, but if you can put some of this electronically, it may go faster, too.

[50] JUDGE PAYNE: It's one thing to read it in the courtroom. It's another thing to mark it up and take it back home with you, because we're not going to have all of what the courtroom has.

Let's go ahead and try to get a date for a hearing on motions *in limine*. What's the order say about when those things are due now? What did we do on that order?

MR. HAMILTON: File by June 9th, Your Honor. This is Mr. Hamilton.

JUDGE PAYNE: All right. So why don't we -- maybe the judges can talk. The way we did it in *Page* is one of the judges -- in that case I happened to be the designee -- dealt with the motion *in limine* unless we thought it was something that all three of us, after

having had a chance to read it, needed to sit on. Would you all like to follow the same procedure?

JUDGE KEENAN: As to the judges, Judge Payne?

JUDGE PAYNE: Yes.

JUDGE KEENAN: That's fine.

JUDGE LEE: Judge Payne, I'm fine with that, too.

JUDGE PAYNE: I'll put it on my calendar, and then I'll be responsible for communicating with the other judges once you file these things if there is anything, and you're going to have them filed by the 19th, so I [51] would say the 24th or the -- I would say maybe the 24th in the afternoon at 2:30. Any reason you can't do that?

MR. HAMILTON: No objection to that date, Your Honor.

MR. BRADEN: No objection.

MR. TROY: Your Honor, Tony Troy. We're not filing any, so obviously no objection.

JUDGE PAYNE: That will be the date for the motion *in limine* if we need it. And then your trial starts the day after the -- two days after the holiday, so final pretrial conference if we need one, I don't know -- it turned out in *Page* we really didn't need anything.

I'm not sure exactly what we're going to be doing in the final pretrial conference, but I suppose it could be objections to exhibits is about all I know.

JUDGE LEE: I think we can go forward without a final pretrial. Objections to exhibits, I think we can probably handle them in due course if we need to

without having to elongate it. I don't need another pretrial after this one.

JUDGE PAYNE: All right, Judge Keenan?

JUDGE KEENAN: That's fine.

JUDGE PAYNE: Okay. If there are any objections, we'll resolve them at trial or tell you before the trial, because they'll all be in writing anyway. So we won't [52] need any other conference. Is there anything else that anybody needs to take up?

MR. BRADEN: Your Honor, I'm assuming that the trial, the pretrial brief will be limited to 30 pages?

JUDGE LEE: 30 pages, that's right, and that's plenty.

JUDGE PAYNE: I don't know that we need any more than that.

MR. BRADEN: I'm not suggesting that. I just wanted to confirm it. So thank you, Your Honors.

JUDGE PAYNE: Anything else that Judge Keenan or Judge Lee need to take up?

JUDGE KEENAN: No, thank you.

JUDGE LEE: No, thank you.

JUDGE PAYNE: We need to -- the judges need to focus on the trial date, or are we satisfied that we will carry to the 10th if we need or whatever that day, the 13th?

JUDGE LEE: I'll make arrangements to carry to the 13th.

JUDGE PAYNE: All right. Is that all right with you, Judge Keenan?

JUDGE KEENAN: Yes, it is.

JUDGE PAYNE: Why don't we plan this, folks, and then we won't have to have any more calls. If there's a [53] need for a carryover day, it will be the 13th. Counsel, do you have anything? Nobody.

MR. HAMILTON: No, Your Honor.

JUDGE PAYNE: Thank you very much. We look forward to working with you.

JUDGE KEENAN: Thank you, Judge Payne.

JUDGE LEE: Thank you all, counsel.

(End of proceedings.)

August 2, 2017

(Amended on August 30, 2017)

Report of Jonathan Rodden, PhD, *Bethune-Hill v. Virginia State Board of Elections* (August 2, 2017, amended August 30, 2017)

(Plaintiffs' Exhibit 69)

I. Introduction and Summary

I have been engaged by counsel for the plaintiffs in the matter of *Bethune-Hill v. Virginia State Board of Elections* to assess whether race was the predominant factor in drawing twelve of the current districts for the Virginia House of Delegates. These districts were enacted in 2011 as HB 5005. My approach is to use all of the available geo-spatial data to provide an analysis of the construction of the HB 5005 electoral districts. For each of the regions containing the 12 districts at issue in this case, I examine whether it is plausible that the final shape of the districts could have emerged without race being used as the dominant consideration.

Some of my analysis is guided by previous testimony of Delegate Jones, who was responsible for the final design of HB 5005, and the Court's October 22, 2015 Memorandum Opinion. From these, it is my understanding that the Virginia Legislature set out to draw each of the challenged districts (including five districts in the Richmond and Tri-City metropolitan areas, one additional district in the rural area to the immediate South, and six districts in the Tidewater region of the Southeastern part of the state) with a voting-age population that was at least 55 percent African American.

Delegate Jones testified that his approach in areas with substantial African- American populations was to start with the existing "benchmark" districts and attempt to move their boundaries around in such a way as to achieve population equality while also achieving the 55 percent racial target. In contrast to the rest of Virginia—where Delegate Jones sometimes paired Democratic incumbents—he testified that he wished to obtain the support of African American incumbent delegates by keeping them in their old districts and preventing them from running against one another.

I conclude that, within each region, these goals simply cannot be achieved without paying extremely careful attention to the race of each voting tabulation district ("VTD") and census block under consideration. In each region, the task of achieving population equality while also achieving the racial target was difficult, and required considerable creativity. The basic problem is that the urban core districts had become severely under-populated, while the surrounding white suburbs were substantially over-populated. Simple applications of traditional redistricting principles would have led the urban districts to expand into the inner suburbs, and consequently fall short of the 55 percent racial target.

As a result, in many cases the Legislature had to do considerable violence to traditional redistricting principles in order to achieve its goals. In order to increase population counts in urban districts but continue to produce 55 percent African- American voting-age majorities, the legislature was forced to move African Americans from surrounding districts,

even if those districts were not overpopulated. They then had to find ways to make up for the population losses of those "donor" districts, while avoiding adding too many whites and thus jeopardizing the racial target in those districts. In each region, there were simply not enough African Americans—and they did not have the correct geographic distribution—for the Legislature to achieve its goals without carefully considering the race of every single VTD, sometimes even breaking up VTDs according to the racial composition of individual blocks, and moving Virginians from one district to another according to their race.

This race-based maneuvering left a number of telltale signs that are best comprehended via visual inspection of maps. In the analysis that follows, I demonstrate that the lines between districts are very often residential roads that separate white neighborhoods from African-American neighborhoods. In many instances neighborhoods and towns were bisected so as to segregate black and white residents. In some cases, VTDs were split so as to segregate black Census blocks on one side of a street and white Census blocks on the other. In most of these cases, it is simply not possible to devise a credible post-hoc explanation for these decisions that is not based on race.

Sometimes county or municipal boundaries correspond to small segments of the district boundaries in the 12 challenged districts, but these are usually cases where county or municipal boundaries facilitated the attainment of the 55 percent racial target. When respect for county or municipal boundaries would have undermined the

ability to reach the racial target, they were ignored. Something similar happens with VTD boundaries. It was often possible to separate African Americans and whites without breaking up VTDs, and indeed, the Legislature generally chose VTDs as the dividing line between African-American and white neighborhoods. But on some occasions, the Legislature found it necessary to divide VTDs according to race in order to achieve its goals.

This report explains the nuts and bolts of how the Legislature achieved the 55 percent racial target in each of the challenged districts, and how this race-focused redistricting process accounts for the districting plan in place today.

II. Qualifications

I am currently a tenured Professor of Political Science at Stanford University and the founder and director of the Stanford Spatial Social Science Lab ("the Lab")— a center for research and teaching with a focus on the analysis of geo-spatial data in the social sciences. Students and faculty members affiliated with the Lab are engaged in a variety of research projects involving large, fine-grained geo-spatial data sets including individual records of registered voters, Census data, survey responses, and election results at the level of polling places. Prior to my employment at Stanford, I was the Ford Professor of Political Science at the Massachusetts Institute of Technology. I received my Ph.D. from Yale University and my B.A. from the University of Michigan, Ann Arbor, both in political science. A copy of my current C.V. is included as Appendix A.

In my current academic work, I conduct research on the relationship between the geographic location of demographic and partisan groups, the drawing of electoral districts, and patterns of political representation. I have published papers using statistical methods to assess political geography and representation in a variety of academic journals including *Proceedings of the National Academy of Science*, *American Economic Review Papers and Proceedings*, the *Journal of Economic Perspectives*, the *Virginia Law Review*, the *American Journal of Political Science*, the *British Journal of Political Science*, the *Annual Review of Political Science*, and the *Journal of Politics*. One of these papers was recently selected by the American Political Science Association as the winner of the Michael Wallerstein Award for the best paper on political economy published in the last year.

I have recently written a series of papers, along with my co-author, Jowei Chen, using automated redistricting algorithms to assess partisan gerrymandering. This work has been published in the *Quarterly Journal of Political Science* and *Election Law Journal*, and featured in more popular publications like the *Wall Street Journal*, the *New York Times*, and *Boston Review*. I am currently writing a book, to be published by *Basic Books* in 2018, on the relationship between political districts, the residential geography of social groups, and their political representation in the United States and other countries that use winner-take-all electoral districts.

I have expertise in the use of large data sets and geographic information systems (GIS), and do

research and teaching in the area of applied statistics. My PhD students frequently take academic and private sector jobs as statisticians and data scientists. I frequently work with geo-coded voter files and other large administrative data sets, including in a recent paper published in the *Annals of Internal Medicine*. I have developed a national data set of geo-coded precinct-level election results that has been used extensively in policy-oriented research related to redistricting and representation,[1] as well as with Census data from the United States and other countries.

I have been accepted and testified as an expert witness in three recent election law cases: *Romo v. Detzner*, No. 2012-CA-000412 (Fla. Cir. Ct. 2012); *Mo. State Conference of the NAACP* v. *Ferguson-Florissant Sch. Dist.*, No. 4:2014-CV-02077 (E.D. Mo. 2014); and *Lee v. Va. State Bd. of Elections*, No. 3:15-CV-00357 (E.D. Va. 2015). I am currently serving as an expert witness in *Arizona Democratic Party, et al. v. Michelle Regan, et al.* No. 16-1065-PHX-DLR, and working with a coalition of academics to file an Amicus Brief in *Gill v. Whitford*. I am being compensated at the rate of $500/hour for my work in this case.

III. Data Sources

I drew on a number of sources to create the maps presented below. First, I obtained data on voting-age population by race in the census blocks of Virginia

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[1] The dataset can be downloaded at http://projects.iq.harvard.edu/eda/home. The data can be visualized in an interactive web map, available at http://atlas.esri.com/Atlas/VoterAtlas.html.

from the 2010 Decennial Census, along with corresponding geo-spatial boundary files. I obtained these files from the National Historical Geographic Information System (NHGIS), at https://www.nhgis.org. Next, I obtained Virginia administrative boundaries from the Virginia Administrative Boundary Dataset, accessed at http://vgin.maps.arcgis.com. Next, from https://redistricting.dls.virginia.gov, I obtained geo-spatial boundary files for vote tabulation districts as well as the 2001 (benchmark) state legislative districts and 2011 (HB 5005) districts. These files also contained attribute tables containing population and voting-age population estimates by race. All VTD-level estimates of race discussed in the text of this report come from those files.

I also received information from counsel about the addresses of incumbent legislators, and these are also displayed in the maps below. I also examined VTDlevel and district-level performance of specific incumbents in past elections. Those election results were obtained from the Historical Elections Database assembled by the Virginia Department of Elections: http://historical.elections.virginia.gov/. I have also consulted maps of school zone boundaries from the Richmond Public Schools: https://www.rvaschools.net. I have also examined Richmond City Council ward boundaries at: http://www.richmondgov.com/CityCouncil/documents/RichmondVoterDistrictsMap5.22.2014.pdf.

In this report, I occasionally discuss the location of boundaries relative to features of urban geography, including streets, single-family houses, and

apartment complexes. These discussions are informed by block-level information on housing tenure from the Decennial Census as well as satellite imagery available through ESRI ArcGIS mapping software as well as Google Earth.

In each of the maps below, I use block-level census data to represent the geographic distribution of voting-age whites and African Americans. To represent the spatial arrangement of groups, I use what are known as dot density maps. Within each census block, I represent the number of voting-age whites and voting-age African Americans with dots that are randomly placed within each census block. Census blocks are very small, usually containing fewer than 100 people. When zooming out to represent an entire region, such as the Richmond or Tidewater regions, each dot represents 10 people. When I zoom in to a given district, I am able to achieve a greater resolution, and each dot represents five individuals. When I zoom in on smaller districts or neighborhoods within districts, the dots represent two and in some cases just one individual. In each case, the number of voting-age individuals represented by these dots is indicated in the map legend.

IV. ichmond And The Tri-City Area

Let us begin with the area that includes metropolitan Richmond and the independent cities of Petersburg, Colonial Heights, and Hopewell. This region covers five of the districts at issue: 71, 69, 70, 74, and 63. The residential geography of race in this area is depicted in Figure 1, which is a dot density map of voting-age population. Using data from the 2010 decennial census, each white dot represents 10 voting-

age whites, and each black dot represents 10 voting-age African Americans.[2]

It is easy to see that there are three clusters with substantial African American populations. One is on the North side of Richmond, another is in Richmond on the South side of the river, and a third is in and around Petersburg. There is also a smaller African-American community on the South side of Hopewell.

Already from Figure 1, one can appreciate why it is difficult to draw five districts that meet the 55 percent racial target, as one must take care to make sure that virtually every VTD with a substantial black population finds its way into a majority-black district—sometimes even splitting VTDs when necessary.

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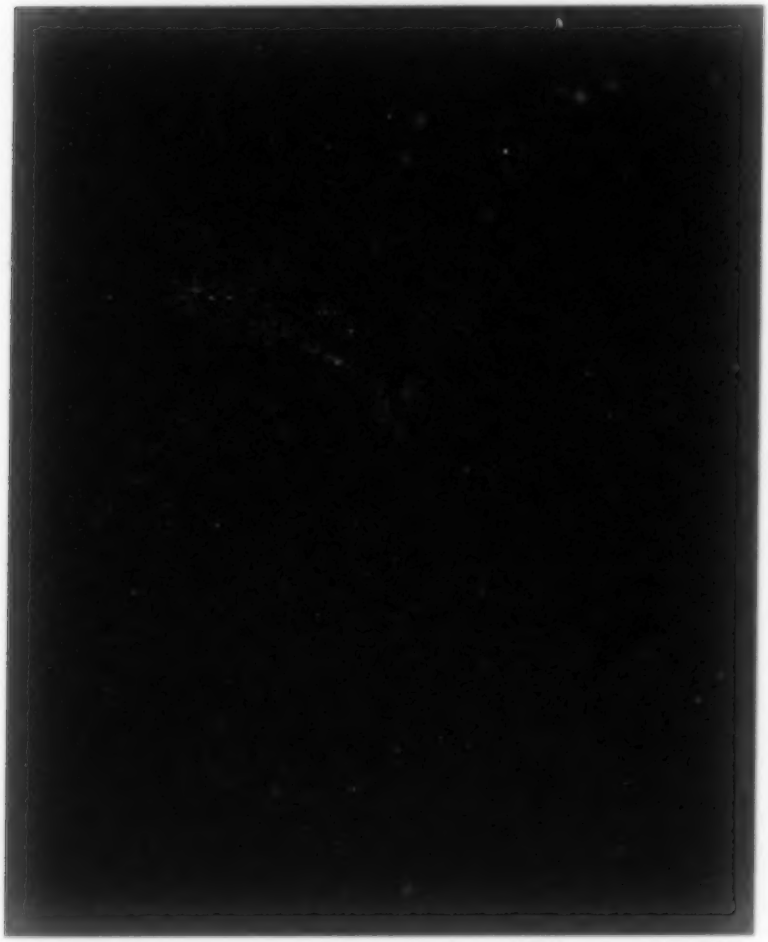
[2] These dots do not correspond to actual residential addresses. Rather, they are randomly placed within census blocks according to the census race counts for each block. Please see the discussion in section III above.

Figure 1: The Geographic Distribution of African American and White Population in Richmond and the Tri-City Region

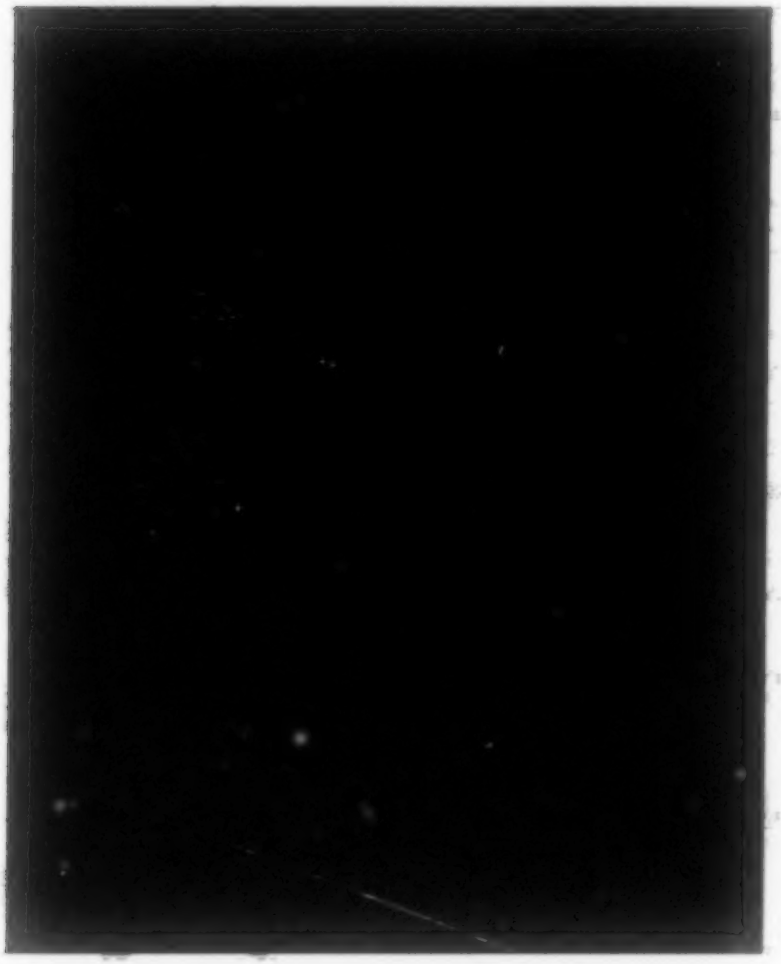


However, on the North side of Richmond in particular, the racial target necessitates splitting African-American neighborhoods to avoid drawing a district where the black voting-age population ("BVAP") is *too* high, since those African Americans are needed to bolster the black voting-age populations in *other* districts that unavoidably contain too many urban whites.

It is not possible to draw five districts that meet the 55 percent target without including the African-American section of Hopewell. It must be linked in either a non-compact district that reaches all the way to Richmond, or it must be linked with Petersburg.

The 2001 "benchmark" plan already reflected an attempt to draw African- American voters in majority-black districts. The benchmark plan contained a convoluted majority-black District 74 by taking the strip of African Americans in Henrico County just outside of the Richmond border, and connect them via a long, narrow corridor to Charles City County, and then reaching down all the way to Hopewell, extracting the African- American neighborhoods and leaving out the white neighborhoods. The remaining urban Richmond districts—69, 70, and 71—were drawn so as to spread African Americans rather evenly across the three. District 63 was drawn to pull in all of the African-American neighborhoods in Petersburg, reaching up into Chesterfield County in order to extract those African American neighborhoods and combine them with Dinwiddie County.

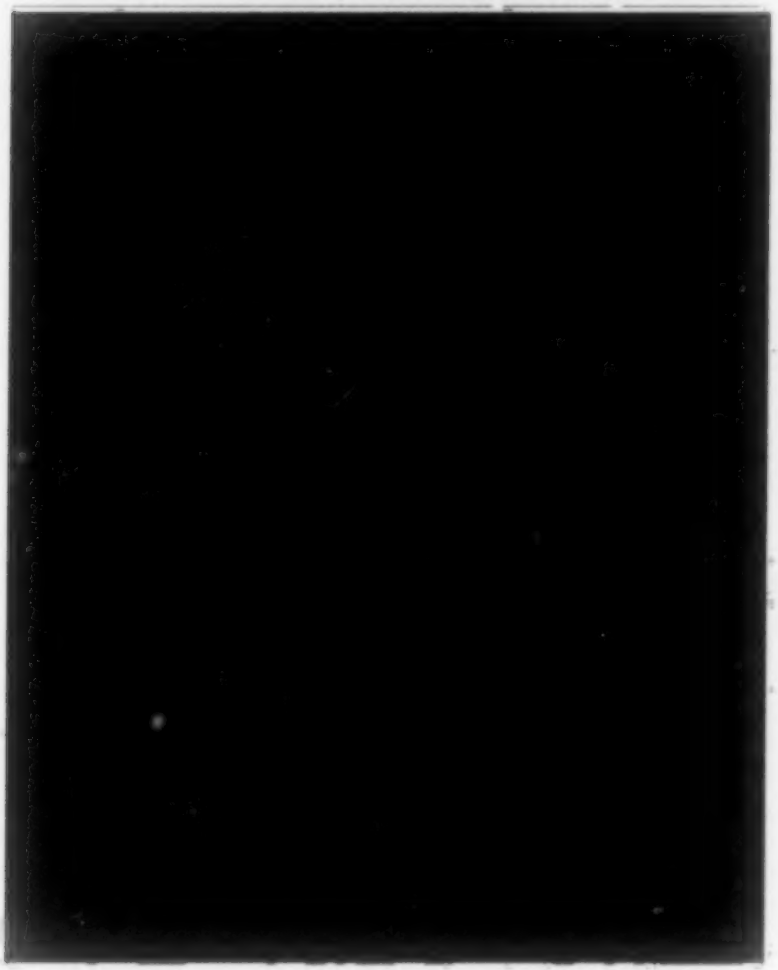
Figure 2: The Geography of Race and the 2001 "Benchmark" Boundaries of the Challenged Districts in Richmond and the Tri-City Region



In short, by deciding to turn each of the baseline districts depicted in Figure 2 into a district with at least 55% BVAP in the 2010 Census, Delegate Jones was forced to engage in extensive race-based maneuvering. The basic problem was the continued suburbanization of Richmond, especially among African Americans. The two most urban districts—71 and 69—had lost relative population since 2000, and both were well short of the population threshold. District 71 also experienced a reduction in its BVAP share since 2000. The more suburban African American districts—74 and 70—were comfortably within the allowable population range in 2010, and due in part to black suburbanization, had very large BVAPs (63 and 62 percent). Meanwhile, some of the suburban and exurban white districts (e.g. District 27, 55, 97, and especially 56) had become over-populated, and thus needed to become smaller.

Thus the effort to create five districts that meet the 55 percent racial target faced some difficult challenges. Districts 69 and 71 needed to grow, but the most rational ways for them to do so—by paying attention to traditional redistricting criteria— would have involved adding whites, thus making achievement of the 55 percent racial target impossible. There was another problem: District 63 to the South was also quite under-populated (by over 6,000) and surrounded by whites, so any effort to expand it that was consistent with traditional redistricting principles would have undermined the goal of achieving the 55 percent racial target there as well.

Figure 3: The Geography of Race and the HB 5005 Boundaries of the Challenged Districts in Richmond and the Tri-City Region



There was only one plausible solution: find ways of removing African Americans from districts 70 and 74, even though they were not over-populated, and move them into districts 71, 63, and to a lesser extent, 69. It was impossible to make all of the necessary exchanges without violating traditional redistricting principles. Some of the efforts to shed whites and pick up African Americans in District 71 were quite overt, and perhaps the most important move was the Eastward extension of District 63's tentacle, slicing through the middle of Fort Lee, reaching out to pick up only the African-American neighborhoods in Hopewell, dodging along the way to avoid clusters of whites. In other words, Delegate Jones found it necessary to switch from a strategy in which Hopewell was awkwardly joined with Richmond, to one in which it was awkwardly joined with Petersburg and points West.

The end result of this process is displayed in Figure 3. In order to understand how this was achieved, let us examine each district individually.

District 71

District 71 was a racially heterogeneous district that had previously been drawn to include much of downtown Richmond and the Northside neighborhood. Relative population loss led the district to be quite under-populated in 2010, falling 5,806 short of the target population. While the overall population was almost 51 percent African-American, a large share of the African-American population was under the age of 18 in 2010, so the district had a voting-age population that was around 46 percent African-American and 46 percent white, with the remainder of the voting-age

population falling into one of the other Census categories.[3]

The African-American incumbent, Jennifer McClellan, was routinely reelected with very large majorities. According to data published by the Commonwealth, she only once faced a primary challenger, in 2005, when she first entered the House of Delegates, and she won with 65 percent of the vote.[4] Since then, she has never been challenged in a primary, and has not faced a significant general election challenge. She ran unopposed in 2005, 2007, and 2011, and in 2009, she received 82 percent of the vote in the general election. In the contested primary of 2005 and the contested general election of 2009, she received large majorities in the majority-white VTDs. Nevertheless, Delegate Jones dramatically increased the African-American share of the district's population.

Delegate Jones needed to add approximately 5,806 people to District 71, and wanted to bring the BVAP share up to 55 percent. This means he needed to do much more than add African Americans to the district; he also needed to remove a substantial number of whites. To see why this is true, let us imagine a hypothetical (albeit impossible) scenario in which Delegate Jones could have added completely

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[3] The sources for these and all district-level race estimates in baseline and HB 5005 plans are the redistricting shapefiles and associated attribute tables made available by the Commonwealth. Please see Section III above.

[4] District-level and precinct-level historical results were obtained from http://historical.elections.virginia.gov. All subsequent discussions of precinct-level election results draw on this source.

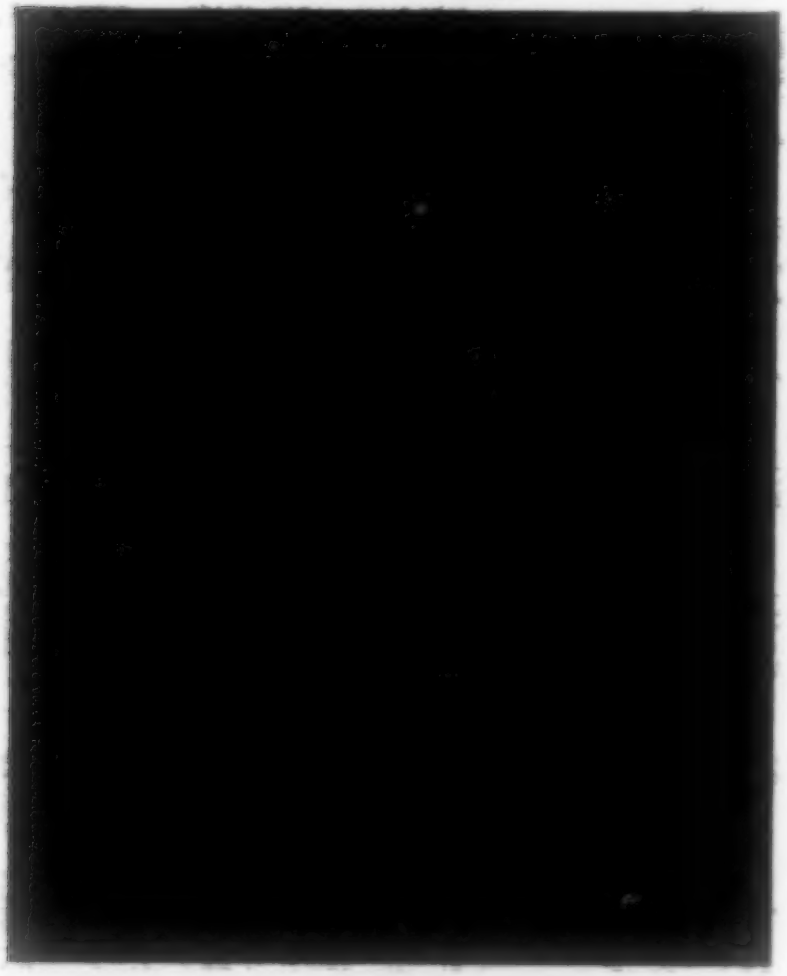
homogeneous black VTDs to District 71, such that the entire population gain was made up of African Americans. Within the benchmark District 71, 77 percent of African Americans were of voting age, so let us assume, then, that the new district would have gained 4,473 voting-age African Americans (77 percent of 5,806) in this hypothetical scenario. This would bring the total BVAP up to 33,462, and the total VAP up to 67,122. Thus, African Americans would *still* not even make up 50 percent of the voting-age population. Delegate Jones was seeking to increase the BVAP share all the way to 55 percent. This means he would need to import far *more* African Americans, and in order to avoid over-population, would need to remove thousands of whites.

These constraints gave him very few options, since the district was surrounded by predominantly white VTDs to the North, West, and South. From a perspective of municipal contiguity and communities of interest, it would have made far more sense to have expanded the district to the West, thereby uniting the Fan Neighborhood and the Museum District, rather than continuing to maroon the latter in the largely suburban District 68. All of these precincts in the urban core of Richmond gave around 75 to 80 percent of their vote to President Obama in 2008, so it is unlikely they would have provided a threat to Delegate McClellan.

However, given the 55 percent BVAP target, none of these options—which would have been consistent with traditional districting principles—was a possibility. These precincts were far too white. Delegate Jones needed to *remove* whites rather than

add them. Thus he split the Fan neighborhood down the middle in order to shed whites from the district, removing VTD 207 (BVAP 3%).

Figure 4: The Geography of Race in House District 71 and Surroundings



It is difficult to understand other explanations for the removal of VTD 207 from district 71 and placing it in District 68. One might claim that this move enhanced compactness by a very small amount, but it necessitated the addition of VTDs elsewhere that ended up reducing the district's compactness. Moreover, the removal of VTD 207 from District 71 created an orphan fragment of the Fan neighborhood that is now separated from its city council ward, elementary school zone, and middle school zone.

It is also difficult to imagine a political explanation. Much of the Northern part of District 68 corresponds to the boundary of Richmond City Council Ward 1, which was represented by a Republican, Mr. G.M. Loupassi, from 2000 to 2006. At the time of the 2011 redistricting, Mr. Loupassi had moved from city politics to the state legislature, and was the incumbent Delegate in District 68. The boundary of Ward 1 was the boundary separating Districts 68 and 71 in the old benchmark plan. The HB 5005 plan crossed the old boundary— North Boulevard— and added new territory to Mr. Loupassi's district that was outside his old Ward 1 bailiwick.

It would be curious if Mr. Loupassi, a Republican, wished to undermine traditional redistricting principles by reaching into the heavily-Democratic city of Richmond from his largely Republican suburban district and pluck out a VTD that (a) he never represented previously as a Delegate; (b) exceeded the boundaries of the city council ward he had represented five years earlier; and (c) typically votes for Democrats at a rate of 75 to 80 percent, and where Delegate McClellan had received 73 percent of

the vote in 2009. Precinct-level election results were readily available, and Delegate McClellan's dominance in this precinct was likely well known to both Delegates Loupassi and Jones.

Indeed, since Delegate Loupassi picked it up, precinct 207 has been one of his worst precincts. It was one of only 3 precincts (out of 27) that he lost in 2013, when he received 40 percent of the vote in precinct 207. In 2015, he received only 37 percent of the vote in precinct 207. In short, it is simply not plausible that splitting up the Fan neighborhood would advance Mr. Loupassi's political career.

In fact, it would have been quite advantageous to Mr. Loupassi if Delegate Jones would have pursued the most obvious strategy for adding voters to District 71: adding VTD 113 and VTD 114. These precincts alone would have achieved population equality, connected downtown Richmond neighborhoods, and enhanced the compactness of District 71 and especially District 68, which has a long appendage reaching from the suburbs into the urban core. Most of all, from Mr. Loupassi's perspective, it would have rid him of the two precincts in his district where he was (by far) the most unpopular. In 2015, he received only 28 percent of the vote in VTD 113, and 33 percent in VTD 114. Surely Mr. Loupassi would have known that these VTDs were troublesome for him at the time of the 2011 redistricting. When he first entered the House of Delegates in 2007 in a closely contested election, he received only 26% of the vote in VTD 113, and 31% in VTD 114. He also lost these VTDS again in 2009. Moving these VTDs to District 71 would have also been advantageous to Delegate McClellan, who

had overwhelming support in all of the surrounding precincts. These VTDs gave over 70% of the vote to President Obama in 2008. This win-win scenario was unacceptable, however, because of the voters' race.

Delegate Jones testified at trial: "[H]ad [Delegate McQuinn] not lived [in Richmond], I could have actually had all of the 71st District in the city of Richmond because I could have taken these couple of precincts and there wouldn't have been any going into the Radcliffe precinct in Henrico County for 71." Trial Tr. 311:3-17 (Jones). Presumably Delegate Jones was referring to VTDs 703 and 705, and his inability to include them in District 71 because of his desire to protect incumbent Delegate McQuinn by preserving the corridor that connected her with District 70. However, if it was a priority for Delegate Jones to create a District 71 that was completely within Richmond, this could have easily been achieved—enhancing compactness along the way—by keeping 207 and adding 113 and 114.

Delegate Jones' testimony reveals that he apparently viewed Eastward expansion into African-American neighborhoods as the only option, even though these neighborhoods were previously represented by Delegate McQuinn and were only a few blocks away from her house, and even though this move required a VTD split and a reduction in compactness. Expansion of District 71 to the West within Richmond—while allowing for greater compactness, respect for neighborhoods, and providing clear advantages for incumbents—was evidently off the table. There is no plausible explanation other than race.

Whites were also removed from district 71 by dropping VTDs to the North in Henrico County. See Hilliard (BVAP of 6%), Stratford Hall (BVAP of 19%), and Summit Court (BVAP of 8%), on Figure 4 above. These VTDs had provided strong support to Delegate McClellan (87% in the 2005 Democratic Primary and 62% in the 2009 General Election).

Figure 5: The Geography of Race in VTD 505 (House District 71) and Surroundings

A substantial number of whites were also removed via the split of VTD 505, pictured above in Figure 5, such that the white section was drawn out of District 71, and marooned from the rest of its new district (District 69) by a water crossing, while retaining an apartment complex with a substantial African-American population in District 71. Without taking a close look, one might imagine that the split of VTD 505 was a compactness-enhancing maneuver, meant to shave off an appendage that was jutting out toward the river. However, the maps in Figures 4 and 5 reveal that this is not the case. The entire section of VTD 505 that juts out from the rest of the district is occupied by cemeteries (Mt. Calvary, Riverview, and Hollywood). The only populated section of VTD 505 is a narrow neighborhood called Oregon Hills—a strip covering three blocks between South Cherry and South Belvidere Streets.

If the Legislature meant to shave off the appendage and enhance the compactness of District 71, it would have kept the Oregon Hills neighborhood in District 71 by splitting the precinct using South Cherry Street, thereby eliminating the appendage by removing only the unpopulated cemeteries. This would have removed the jagged outward appendage to the West that would have occurred if the VTD had been kept whole, and would have prevented the jagged cut to the East associated with the current arrangement, resulting in a relatively straight line in that portion of the boundary, and more importantly, preventing the creation of an orphan neighborhood. Instead, the Legislature split the VTD using the Downtown Expressway to cut off Oregon Hills and turn it into an isolated island across the water from

the rest of District 69. The clearest explanation for this maneuver was the imperative to remove whites from District 71.

The only way to *add* sufficient African American population was to expand the district to the East. The Legislature achieved this by taking African Americans from Districts 70 and 74, violating traditional redistricting principles along the way. This was achieved by adding some very populous, overwhelmingly African- American VTDs to the East (701, which had with a BVAP of 97%) and 702, which had a BVAP of 94%), and splitting VTD 703 (BVAP 90%). It also became necessary to add VTD 604 (BVAP 91%) and then cross the Henrico County line and reduce the compactness of the district by pulling in Ratcliffe VTD (BVAP 83%). Ratcliffe alone brought in an additional 3,257 African Americans. While it would have been possible to create a relatively compact Richmond-centric district, the Legislature instead swapped out some Henrico County whites to the West in exchange for Henrico County African Americans to the East.

In short, population equality could have been achieved in District 71 in a variety of ways without causing incumbents to run against one another, and indeed most of these alternatives would have led to a more compact district that kept Richmond neighborhoods together. However, the desire to achieve the 55 percent BVAP target in District 71 provided the Legislature with very few options, and the final shape of the district—and the specific Virginians who were swapped in and out—were driven by that rather binding constraint.

District 69

Figure 6: The Geography of Race in House District 69 and Surroundings

District 69 was even more dramatically under-populated, needing 8,701 additional people to reach the population target. The old benchmark district already had a BVAP of 56.3 percent. Thus in order to meet the Legislature's 55 percent BVAP target, it was necessary only that about half of the new voters brought into the district be African Americans. But, as described above, District 71 to the North could not stand to lose African Americans, and the benchmark District 69 was surrounded by whites to the West and to the immediate East. District 27 on the Western boundary was almost 8,000 over the population target, and would have been the obvious place to pick up population. The Western edge of District 69 already contained some majority white precincts in Chesterfield County, and a few more could have been added. But instead of expanding Westward, the district actually *shed* some of its white Western precincts.

In order to gain population and maintain District 69's BVAP, VTDs 903 (BVAP 64%) and 811 (BVAP 76%) were moved over from District 70 to the South, even though that district was already at the population target. African-American voters were also added in VTD 410 to the North. In fact, this VTD was split, such that part of the VTD with more African Americans was kept in District 69, and the remaining white voters remained in District 68, presumably in order to preserve the white corridor connecting the suburban and urban parts of District 68. The VTD called Davis in Chesterfield County was also split as part of the process.

District 69 straddles the James River in a way that crosses city council ward boundaries as well as the boundaries of elementary, middle, and high school zones. It extends North of the river to pick up largely African-American neighborhoods, and stops abruptly at the dividing line between African-American and white neighborhoods. As discussed above, District 68 extends awkwardly into urban Richmond so as to keep whites out of either District 71 or 69.

In some of his testimony about District 71, Delegate Jones expressed an interest in keeping Richmond house districts in Richmond. If respect for country boundaries was a priority, this could have been achieved in District 69 by avoiding Chesterfield County and adding Richmond VTDs. The Richmond VTDs to the North were white and populous, however, and would have thus undermined the racial target. And the Richmond VTDs to the South were needed to preserve the racial target in District 70.

District 70

Figure 7: The Geography of Race in House District 70 and Surroundings

By 2010, District 70 had developed a large African-American voting age population (62 percent BVAP share), and its population number was almost exactly on target. Given the aspiration to achieve five 55 percent BVAP districts in the Richmond area, its main role in achieving the racial targets in the 2011 redistricting was as a donor of African Americans to other districts. VTDs 701, 702, and part of 703 were donated to district 71 (all had BVAP over 90 percent); 811 (BVAP 76%) and 903 (64%) were donated to District 69.

After making these donations, it was then necessary to add some VTDs in order to gain population. District 70 pulled in several nearby suburban VTDs that had grown to develop black majorities, and had not yet been pulled into a majorityblack district: Meadowbrook, Southside, and Chippenham. In fact, these were the last majority-black VTDs in the region that had not yet been pulled into a majorityblack district. As the suburban black population pushed outward into the white exurbs, District 70 expanded to pull them back in. In short, the district boundaries moved so as to demarcate the shifting dividing line between black and white neighborhoods.

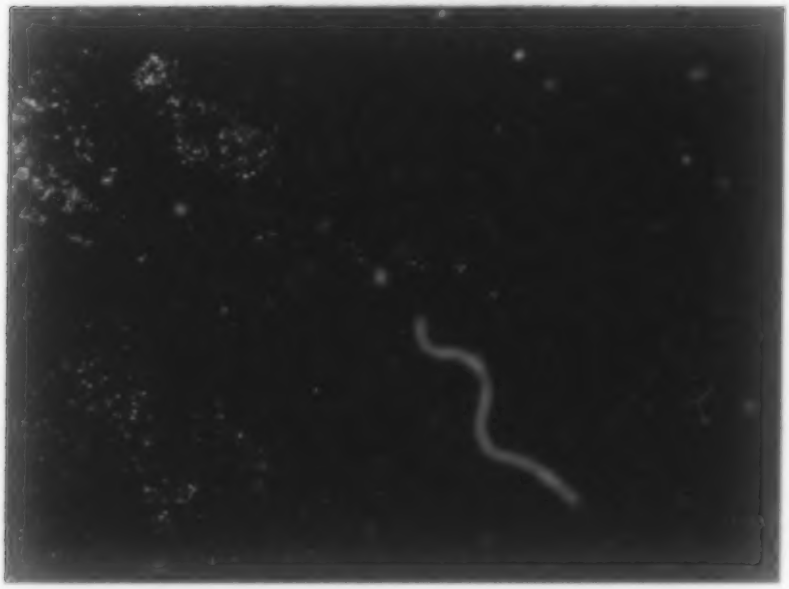
District 70 is an odd amalgam that pays little attention to county boundaries or communities of interest. It takes three VTDs from Richmond's Southside City Council Ward (806, 812, and 814), hives them off from the rest of that ward and the rest of the city of Richmond, joins them together with exurban sections of Chesterfield County, then crosses

over the James River into an exurban section of Henrico County, and then crosses back into Richmond to pick up a VTD (705), and a fragment of a split VTD (703) in the Richmond East End. Thus the district brings together two disjointed, non-contiguous neighborhoods of Richmond via a swath of suburban Henrico County. District 70 is a heterogeneous mix of urban, suburban, and exurban communities. As described above, the Legislature could have turned District 69 into a more Richmond-centric district, thus avoiding the orphaning of VTDs 806, 812, and 814. However, this would not have preserved enough African Americans for District 70.

District 70 is quite non-compact, in part because of the efforts to pull in African Americans and exclude whites as it reaches out to the West, but also in large part because of the Northern turret that reaches up into Richmond and beyond, into a majority African-American sliver of Henrico County. Delegate Jones testified that the reason for the existence of this Northern "turret" is the residence of the incumbent, Delegate McQuinn at the bottom of the turret. But Delegate McQuinn's residential location does not explain the continuation of the turret further to the North into Henrico County, where it extracts two additional VTDs, Central Gardens (BVAP 94%) and Masonic (72%), thereby causing the most glaring contravention of compactness in the district.

District 74

Figure 8: The Geography of Race in House District 74 and Surroundings



As seen by the blue lines in Figure 8, benchmark district 74 extracted a narrow, African-American sliver of Henrico County, and joined it with a narrow corridor that minimized the inclusion of whites in Southern Henrico County, in order to reach rural African Americans in Charles City County, before reaching down to capture the African American neighborhoods from Hopewell, resulting in a benchmark district with a BVAP of 63 percent. HB 5005 preserved this basic arrangement, but as described above, it was necessary to donate some African Americans to bolster the flagging black populations of other districts. As described above, the

largely African-American VTD of Ratcliffe was transferred to District 71. And as discussed in greater detail below, Hopewell's black neighborhood was transferred to District 63, most likely because District 63 needed to donate African Americans to District 75 to the South, where the 55 percent BVAP target was most in danger.

Figure 9 portrays the thin strip that constitutes the Northwest of District 74. It was drawn quite explicitly around Henrico's African American population. On the Northern border of the strip, the county boundary between Henrico and Hanover is a rather effective dividing line between African Americans and whites. However, on the Southern side of this strip of African Americans in Henrico County, there were no obvious municipal lines, and sometimes even the VTD boundaries did not fall along racial lines.

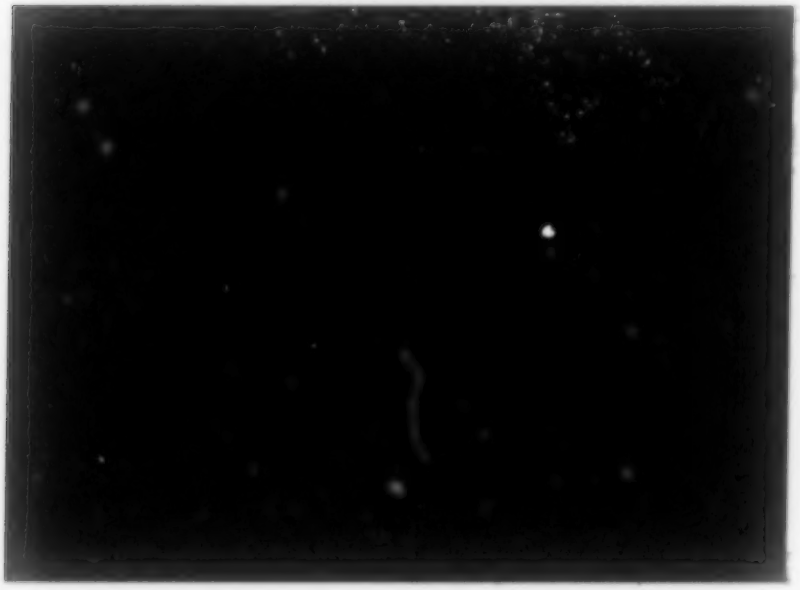
As a close examination of Figure 9 reveals, Randolph and Yellow Tavern VTDs were selected, thereby including African Americans and excluding whites from District 74. But as can be seen in Figure 9, the Legislature had to slice apart VTDs including Brookland and Belmont in order to draw African Americans into District 74 and whites into District 72. The racial incidence of the Belmont VTD split is especially obvious. Using the VTD boundary, as in the benchmark plan, would have allowed a large number of whites into District 74. This VTD split could not have been based on partisanship, because data on partisanship were not available to Delegate Jones at the census block level.

Figure 9: The Geography of Race in the Northern corridor of House District 74 and Surroundings

It is difficult to think of alternative explanations for District 74's shape, and for the specific VTDs that were included and excluded. The narrow strip described above directly contributed to making District 74, which remains one of the least compact of the challenged districts.

District 63

Figure 10: The Geography of Race in House District 63 and Surroundings



The benchmark District 63 was composed of sparsely populated Dinwiddie County, all of Petersburg, which is densely populated and 80 percent African American, and an African-American slice of Chesterfield County on the outskirts of Colonial

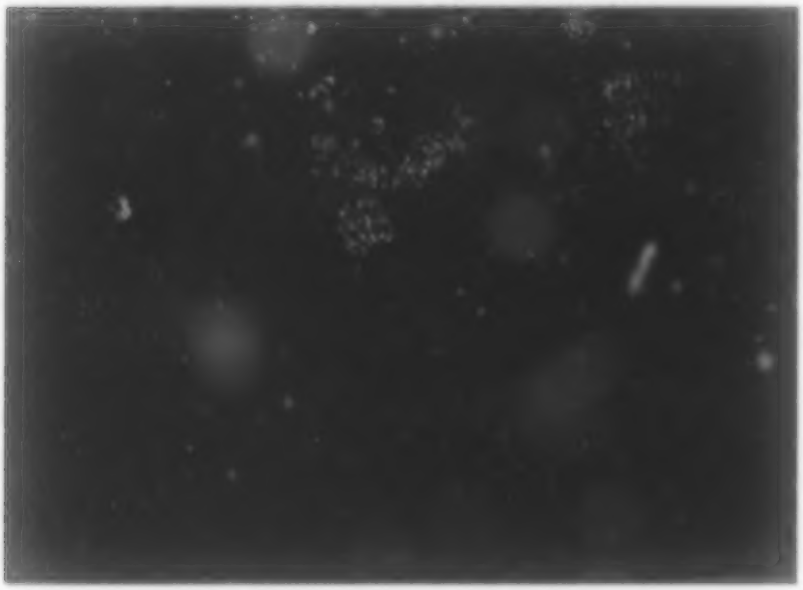
Heights. This generated a black voting-age population of 58 percent.

But as in District 71, there was a problem. The district was under-populated by 6,000 people, and surrounded by whites. There were rural African Americans to the South, but this only introduced a further problem: the Southern neighbor, District 75, was also a rural African-American district, but was under-populated by over 9,000, and the benchmark plan was already right at 55 percent BVAP. How would it be possible to add 9,000 people to District 75 without significantly reducing the African-American share? Virtually all of the rural African American VTDs in the area were already drawn into District 75.

The solution required that traditional districting principles, and the VTD as a building block for districts, be abandoned. District 75 was redrawn so as to reach up into District 63, using a racially heterogeneous section of Southern Dinwiddie County in order to reach all the way up to suburban Petersburg and extract African Americans, with no regard for VTD boundaries (let alone the Dinwiddie County boundary). This maneuver then left District 63, already under-populated, with even fewer people, and still surrounded by whites.

The solution for District 63 was to design a new tentacle, such that a corridor would reach over to Hopewell and extract its African-American neighborhood. This corridor required the legislature to cut Fort Lee in half, and slice through neighborhoods and even VTDs, as demonstrated in the more detailed map in Figure 11 below.

Figure 11: The Geography of Race in the Eastern Tentacle of House District 63, Tri-City Area (Colonial Heights, Petersburg, Hopewell)



Note that the section of District 63 portrayed in the Northwestern portion of Figure 11 crosses the Appomattox River and a county boundary so as to reach up into Chesterfield County and pull in the African-American neighborhood around Virginia State University. The district boundary is then drawn, West to East, across the middle of Chesterfield County right at the point where the African American population falls off. Figure 11 shows how the tentacle reaching up from District 75—referred to at trial as the "New Hope Hook"— facilitated the addition of African Americans to that district. The application of traditional redistricting principles would have placed Colonial Heights, Virginia State University, and

Petersburg in the same relatively compact district, and would not have segregated Hopewell.

VTD boundaries were frequently ignored in the creation of District 63. The entirety of the "hook" surrounding New Hope, reaching up to draw the neighborhoods of Dinwiddie Gardens and West Petersburg into District 75, required VTD splits, including Rohoic, New Hope, Rives, and Dinwiddie. Delegate Jones offered that part of the reason for these unusual splits was the desire to pull a potential challenger of Delegate Dance into a different district while keeping the New Hope precinct in District 63. His claim was that Delegate Dance had strong support in the New Hope VTD. It is not clear why VTD splits along the shaft of the "hook" were required to achieve either of these goals.

The name and residential location of the potential challenger were not identified, and I understand that this information is also unknown to defense counsel. It is worth noting that between the 2005 election, when Delegate Dance entered the legislature for the first time, and the time of the 2011 redistricting, Delegate Dance never faced either a Democratic Primary or General Election challenger. In the only competitive election she had faced by that time—the 2005 general election—New Hope was among her worst precincts (ranked number 19 out of 22 precincts comprising District 63 in 2005). Furthermore, if the convoluted shape of the newly constructed District 63 was meant as a way of warding off primary challengers for Delegate Dance, it can only be seen as a failure. She drew a strong challenger immediately after redistricting, in 2013.

Figure 12: The Geography of Race in HD 63, Hopewell Ward 7

It is also evident that in order to achieve its racial targets in the Tri-City area challenged districts, the legislature found it necessary to split a number of VTDs. Examples include Jefferson Park, Courts Building, and Hopewell Ward 7. As in other examples of VTD splits discussed above, this was usually done so as to split white and black census blocks. Consider, for example, Ward 7 in Hopewell, which is depicted in Figure 12 above.

Throughout most of Hopewell, the ward boundary corresponds with the line dividing the white side of Hopewell from the African American side. In the Northern part of Hopewell, the District 63 boundary split African Americans and whites by simply following the boundaries between wards. The same was true, for the most part, of the jagged Eastern boundary of Ward 7—a predominantly white ward that was mostly excluded from District 63. However, Ward 7 contained a cluster of African American census blocks in its Southwestern corner. As can be seen in the map, these were carved out from the rest of the VTD and placed in District 63. There appears to be no plausible explanation for this VTD split other than race, as Delegate Jones did not have access to data on partisanship below the level of the VTD.

Finally, Delegate Jones testified that his decision to move the African- American section of Hopewell from District 74 to 63 was because of a desire to remove a crossing of the James River. It should be noted, however, that virtually every other Richmond district that comes near the James River contains neighborhoods on both sides, including Districts 62, 70, 69, and 68. It is not clear why this particular water

crossing was viewed as a problem, but the others were not. Moreover, it is odd that Delegate Jones was only concerned with crossings of the James River, but not the Appomattox. His design for the border between Districts 62 and 63 leaves Hopewell's white neighborhood completely isolated from the rest of district 62 on the South side of the Appomattox. An application of traditional redistricting criteria would have solved the James River crossing problem by also solving the Appomattox crossing problem, thus keeping the city of Hopewell together. Moreover, Delegate Jones did not try to fix the Appomattox River (and county boundary) crossing that was used to draw African Americans from Chesterfield County into District 63.

Additionally, removing the James River water crossing does not explain the split of Hopewell along racial lines. The coincidence of sharp discontinuities in race with the district boundary, even within VTDs, is striking.

Conclusions

Zooming out from the individual districts and evaluating Richmond and the Tri-City region as a whole, there can be little doubt that race was the dominant factor in the overall design of the challenged districts. The creation of five districts with a 55 percent BVAP, and an additional such district in the rural area to the South, required considerable attention to the racial composition of each VTD. This goal could only be achieved if African Americans were very carefully allocated across the challenged districts, and whites were carefully moved or circumvented. This process required a variety of

affronts to traditional redistricting criteria. Counties, cities, neighborhoods, and even VTDs were often split in service of this goal. Tentacles and corridors were created in order to link geographically disparate African Americans, and they snaked around to avoid whites. Dividing lines between black and white neighborhoods were used as district boundaries, even when this required chopping cities, neighborhoods, and VTDs in half.

These affronts to traditional districting criteria were necessary because there was so little margin for error in the Legislature's plan to create five 55 percent BVAP districts in the region. It was necessary to move as many African Americans as possible into one of the challenged districts. In the entire region covering Richmond and the Tri-City area, there is *not a single VTD with a black voting-age majority that is left out of one of the challenged districts*. This could not have occurred in the absence of a redistricting process that elevated race over all other considerations.

V. The Tidewater Region

The Tidewater region encompasses six of the districts at issue: Districts 92 and 95 on the Virginia Peninsula and Districts 80, 89, 90, and 77 in South Hampton Roads. In the benchmark plan several of the majority-African-American districts were highly non-compact, and had external boundaries that, for the most part, fell along racial lines. In the previous round of redistricting, it had been possible to create six majority-black districts, only two of which were below the target 55 percent BVAP threshold at the time of

the 2010 Census. District 89 had a BVAP of 52.5 percent, and District 80 had a BVAP of 54.4 percent.

Figure 13: The Geography of Race and the 2001 "Benchmark" Boundaries of the Challenged Districts in the Tidewater Region

Figure 14: The Geography of Race and the HB 5005 Boundaries of the Challenged Districts in the Tidewater Region

These urban areas were losing relative population, however, and all of the challenged districts were under-populated, some quite severely so. The most under-populated district was District 95, which was around 12,000 people short of the population target, and the closest to the target was the relatively suburban district 77, which was short by only 3,000 people.

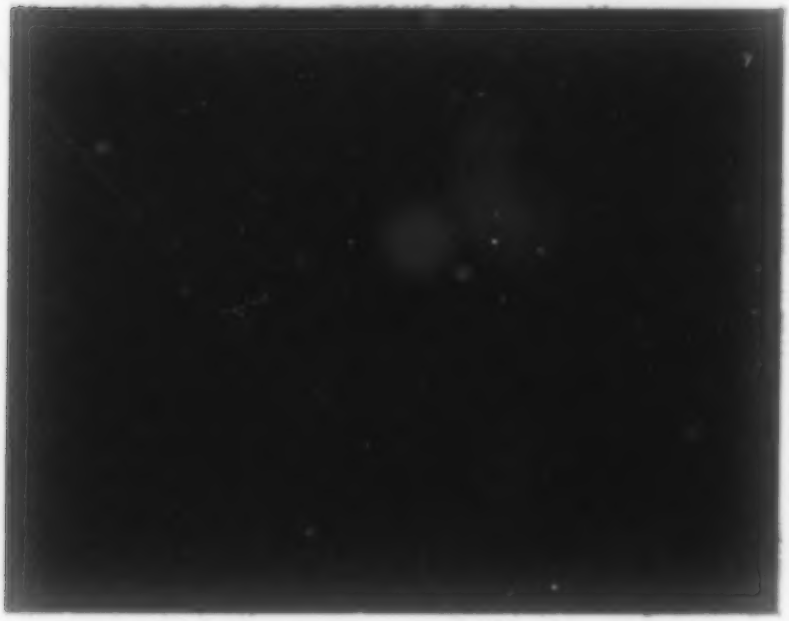
Given the expressed goals of the legislature, the challenge, then, was to increase the population of these districts while preserving and expanding the preexisting majority-black districts. As in the Richmond area, however, this was not easy, since as depicted in Figure 13, the majority-minority districts were surrounded on all sides by whites.

Once again, this job necessitated a disregard for traditional redistricting principles, county and municipal boundaries, and the boundaries of VTDs. It also required white corridors that reached out to pull in distant African-American communities in order to facilitate achievement of the racial target. Perhaps the most obvious maneuver involving race was to reach up the peninsula to the North from Newport News, ignoring county, municipal, and VTD boundaries, so as to pull in the long, narrow African-American neighborhood sandwiched between Highway 69 and Warwick Boulevard, taking care to pull majority-black apartment complexes into District 95. A second rather obvious racial maneuver was to find a way to bring the African-American neighborhood near the Southern terminus of the Monitor Merrimac Bridge into district 80. District 80 was redrawn to expand to the Northwest via a narrow corridor of whites in order to

reach this isolated pocket of African Americans. African Americans were also brought into these districts through a variety of subtler expansions, as discussed below. Finally, it was necessary to exchange a number of African Americans between districts in order to spread them most efficiently across districts and bolster the BVAPs in districts where they were flagging.

The Virginia Peninsula: Districts 92 and 95

Figure 15: The Geography of Race in House Districts 92 and 95 and Surroundings, Virginia Peninsula



Let us begin with Newport News and Hampton. Figure 15 above shows that the benchmark versions of Districts 92 and 95 had been drawn to exclude white populations, concentrating African Americans in the two districts. The dividing line between the districts divided African Americans quite evenly between the two. The 2010 BVAP for both districts was 62%. Both were quite under-populated, though, especially District 95, which needed to add 12,000 people. District 92 needed to add almost 9,000. As can be seen in the maps above, as well as the zoomed-in maps below, any approach that was even remotely based on traditional redistricting principles would have ended up adding a very substantial number of whites. Given the large numbers of voters that needed to be added in order to achieve population equality, the addition of too many whites would have imperiled the 55 percent BVAP target.

The solution was to redraw District 95 by making a narrow corridor through white neighborhoods in order to reach a corridor of African Americans between Highway 69 and Warwick Boulevard. As can be seen in Figure 15 above and Figure 16 below, African Americans and whites were separated with remarkable precision. As in the Hopewell area, the Legislature achieved its racial goals by dispensing with the principle of keeping VTDs together. The Legislature decided to split almost every single VTD along the Northern corridor of District 95. This can be seen very clearly in Figure 16 below.

Figure 16: The Geography of Race in the Northern Corridor of House District 95 and Surroundings, Virginia Peninsula

Figure 16 shows that the VTDs of Jenkins, Denbigh, Epes, and Reservoir were sliced precisely at the point where black neighborhoods transitioned to white neighborhoods. The northern-most VTDs, Epes and Reservoir, are especially noteworthy. In the Southern section of this corridor, the East side of Warwick is African American, and the West side is white. Thus Warwick forms the district boundary. But in Epes, the dividing line becomes a series of small residential streets. This is because in Epes VTD, there are several dense apartment buildings occupied by a large number of African Americans on the West Side of Warwick. The district boundary carefully follows a

tangle of small residential streets, behind these apartment complexes, that form the black-white dividing line. The residential geography in this area evidently has a good deal to do with zoning and the location of multi-family housing and apartment complexes, and the district boundary meanders through residential neighborhoods so as to separate multi-family housing occupied by blacks (e.g. Autumn Lakes Apartment Complex and Waypoint and Uptown) on one side of the street from single-family houses owned by whites on the other.[5]

The Western boundary of the Reservoir VTD is the Warwick River. District 95 hives off the Southwestern fragment of this VTD and combines it with District 94 on the other side of the river. The East-West dividing line upon which the Reservoir VTD was split corresponds to a dividing line that separates whites on one side from African Americans on the other. It is difficult to fathom any explanation for the boundaries depicted in Figures 15 and 16 other than race.

This new tentacle pulled in a substantial number of African Americans to District 95. This was important, because District 95 was then able to donate African Americans to District 92, which needed to add around 9,000 people without adding too many whites. As can be seen in the maps above, there were simply no other concentrations of African Americans in the vicinity. By moving three densely populated VTDs—Mallory, Forrest, and Kraft—which contained

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[5] The locations of multi-family housing are clearly visible on satellite imagery such as that provided by Google Earth.

apartment complexes occupied by African Americans (e.g. Sweetbriar and Westhampton Apartments), the Legislature was able to move over 8,000 African Americans from District 95 to District 92.[6]

District 92, then, could avoid what would have been the obvious move had the districts been drawn according to traditional redistricting criteria. Anyone attempting to add population to District 92, if not focusing on race, would have pulled in the odd coastal sliver to the East, and evened out the awkward tentacles to the North. See Figure 15 above. Instead, the Eastern part of District 91 snakes all the way around the Eastern appendage of District 92 and is separated by water from the rest of District 91 to the West.

Figure 17 provides a closer look at the Eastern Appendage of District 92 and its surrounding fragment of District 91—and provides a strong indication of why the Legislature wanted to avoid this application of traditional redistricting principles. These unusual boundaries largely followed racial lines, as the Legislature evidently sought to avoid adding whites to the district. Without the new tentacle added to District 95, District 92 would have been forced to bring in these whites, or others to the North.

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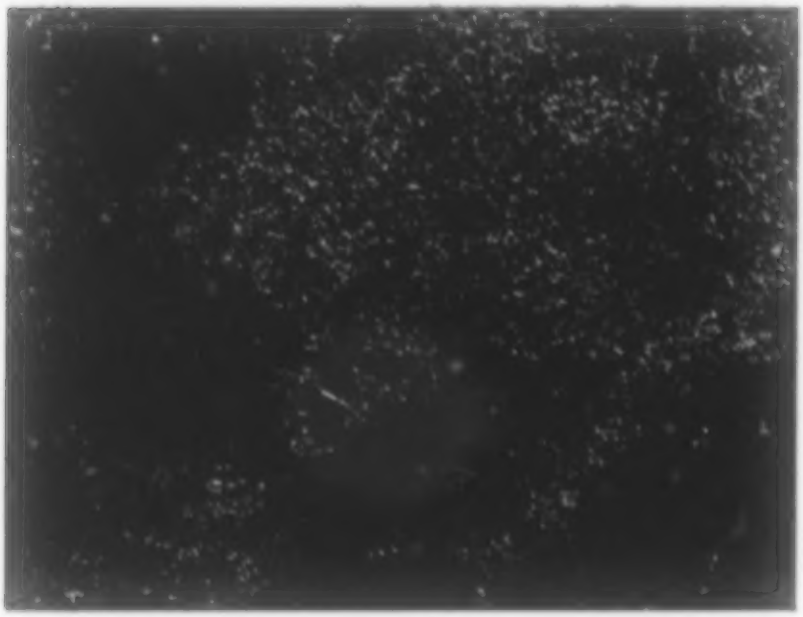
[6] The names of these precincts are not indicated in Figure 15 above. They comprise the African-American neighborhoods immediately to the East of the HB5005 boundary separating Districts 92 and 95 in Figure 15. Note that the blue lines on the map indicate the Benchmark boundaries, allowing one to see which areas switched districts.

Figure 17: The Geography of Race in the Eastern Appendage of District 92 and Surroundings, Hampton



In its Memorandum Opinion, the Court states: "If race was the principal factor, why did the legislature pass by all these areas which have more black voters and go up there to the Northern tip of the district?" (p. 154). In Figures 13 through 17 above, it is difficult to discern which African-American voters were "passed by." In the entire Virginia Peninsula, HB 5005 has already pulled the vast majority of VTDs with African American majorities into District 92 or 95. There are no remaining majority African-American VTDs to the West of District 95, and as can be seen in the maps, only a small number of African Americans remain

outside the boundaries of District 92 in its immediate vicinity.

Introduction to South Hampton Roads

Referring back to Figures 13 and 14 above, one can see that in the South Hampton Roads area, African Americans were quite scattered at the time of the 2010 census. African-American neighborhoods include a swath of urban Norfolk, a suburban part of Norfolk called Norview along the Hampton Roads Beltway to the Northeast of Norfolk, an area called Berkley across the river from Norfolk, and in South Norfolk, the South side of Portsmouth, the Southern and Eastern parts of Chesapeake, and a suburban area at the Southern terminus of the Monitor Merrimac Bridge. Finally, about 20 miles to the West, there is an isolated African American neighborhood on the South side of Suffolk. The 2001 benchmark plan created four districts with comfortable African American majorities out of this geography. In order to achieve this, the Legislature had to break up neighborhoods and introduce unnecessary water-crossings in the largest African American communities in the Norfolk area. A dense African-American neighborhood in downtown Norfolk called Tidewater Gardens was split between three legislative districts, such that a short, straight walk for less than half a mile down a few blocks of Tidewater Drive would have taken one from District 89, to 90, back to 89 one block later, and then into District 80, and finally back to 90. Only a half-mile further to the South, one would have ended up in District 77.

The most unusual aspect of the benchmark districts in South Hampton Roads was district 77,

which reached over 30 miles from an area East of Chesapeake, through the Great Dismal Swamp, all the way to a rural area West of Suffolk in an effort to create a fourth majority-minority district.

The status quo could not be maintained in 2011, however, because of population loss in each of the majority-minority districts. Furthermore, African Americans had become more geographically dispersed since the last census. Districts 80 and 89 had fallen below the 55 percent BVAP target. Thus it was necessary to expand these districts to follow the dividing lines between African Americans and whites, pulling in isolated pockets of African Americans, and removing whites when possible, while also swapping urban African Americans from one district to another.

District 80

Perhaps the largest change from the benchmark, and in some respects the lynchpin to the redesign of the districts in South Hampton Roads, was the redrawing of District 80. It started out very close to the 55 percent BVAP target, but it needed to expand by around 9,000 people. It was surrounded mostly by whites along the water and to the West, and elsewhere, by African Americans who were already contributing crucial BVAP to districts 89, 90, and 77. Taking African Americans from District 89 was not an option, since that district was below the target BVAP threshold and quite under-populated. In order to meet its objective, the Legislature would need to *add*, not remove, African Americans from District 89. In fact, district 89 was hemmed in, and had nowhere else to go to add African Americans, so it was necessary to

transfer a rather large number of African Americans in Norfolk and Berkley from District 80 to 89.

Figure 18: The Geography of Race in District 80 and Surroundings, South Hampton Roads

Thus the only way District 80 could pick up the requisite number of African Americans to achieve its racial target was by expanding outward to capture additional African Americans who had not yet been pulled into a majority-black district. The best way to achieve this was for District 80 to reach out to the North and use VTD 34 as a bridge to the African American precincts of 38, Taylor Road, and Yeates. This bridge reached the African American neighborhood by bringing in the smallest possible number of whites.

At trial, Intervenors raised the possibility that this very oddly shaped corridor, which corresponds

directly to race, was constructed as an incumbent protection maneuver. But it is difficult to see how this could possibly be the case. This maneuver was potentially quite harmful to incumbent Delegate Jouannou, a Democrat representing District 79. He was forced to give up four of his most Democratic precincts, and he could not have been pleased. Surely the argument cannot be that this was an incumbent protection maneuver for Delegate Jones. His district boundary in this area was left unchanged, and in any case, Delegate Jones was in no electoral danger as to require this unusual maneuver. Delegate Jones has not faced a general election challenger since 2005, when he won with 78 percent of the vote, and he has not faced a primary election challenger since the 1990s.

Perhaps one might imagine that the districts were reconfigured in order to shore up the incumbent in District 80: Matthew James. But this jusitifcation can be rejected out of hand. HB 5005 took away a number of his best precincts, including one vote-rich precinct, Berkley, where, in his last contested election in 2009, Mr. James received 96 percent of the vote. It is doubtful that a Democratic politician would voluntarily give up core urban precincts where had had repeatedly won large majorities in order to pick up some new suburban precincts.

The strange appendage to District 80 also cannot be explained with reference to the residential locations of the incumbents. These locations, indicated with yellow dots in Figure 18 above, did not introduce any difficult constraints. District 80 could have been far more compact had it simply expanded Westward

without the odd appendage. There were no incumbents standing in the way. This would have left a number of plausible configurations for Delegate Joannou's District 79, including keeping some or all of the majority-African-American VTDs in his precinct, which would have been a win-win for all incumbents involved. The only problem, of course, was that this would have introduced too many whites into District 80.

District 89

With a BVAP of 52.5 percent, District 89 was the district in the entire Tidewater area that was most in need of additional African Americans to reach the 55 percent target. It also needed to add over 5,000 people. In order to achieve this, African Americans were taken away from Districts 80 and 90. On the Southern section of the map, this maneuver involved moving Berkley, Hunton, and Union Chapel, and required the splitting of Brambleton VTD. In the case of Berkley, this added yet another crossing of the Elizabeth River.

Figure 19: The Geography of Race in District 89 and Surroundings, South Hampton Roads

As in other urban areas examined thus far, the outer boundary of the district shifts around to follow the dividing line between white and African-American parts of the suburbs. Note how the district bows outward in the far Northeast, jogging to the other side of the Hampton Roads Beltway in order to include Rosemont, which is populated overwhelmingly with African Americans. The boundary then takes a dramatic turn to the South in order to exclude Suburban Park, which is almost completely white. It

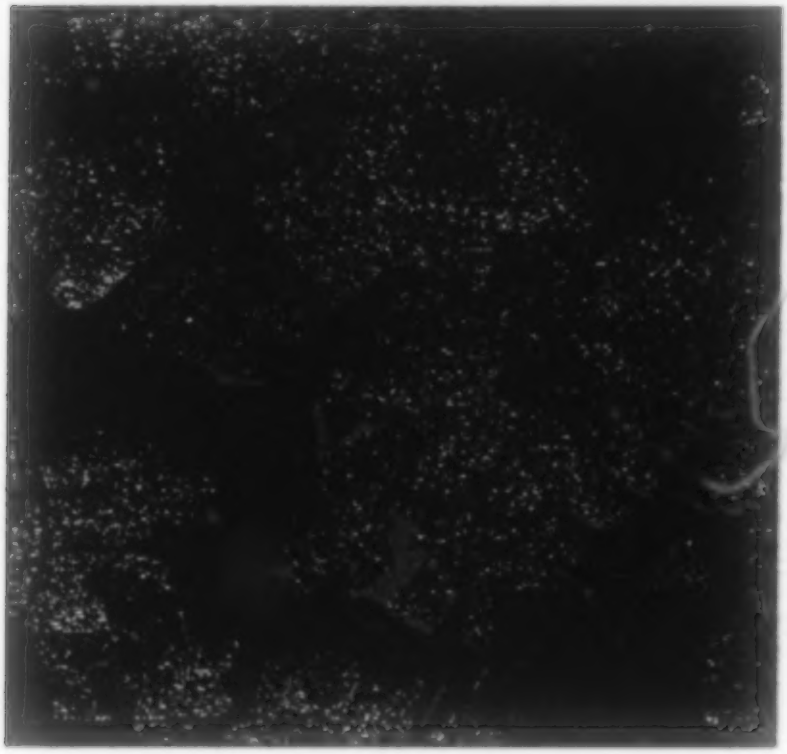
then turns back to the North again, in order to pick up the Talbot Park apartment complex and some surrounding African Americans.

Let us zoom in on the strangely shaped "pipe" at the top of District 89, where HB 5005 abandons the VTD as the unit of districting, slicing VTDs by the block. This area is shown in Figure 20 below. As the district heads North from the Willard VTD, it follows Granby Avenue, until it reaches the Talbot Park Apartments, which are populated largely by African Americans. It then takes an abrupt left turn at North Shore Road, and continues West in order to edit out a strip of largely white single-family homes. It then cuts to the North once again, then quickly back over to the East, in order to bring in the Sewells Park and Arbor Pointe apartment complexes and their immediate surroundings. It then continues West in order to bring in the Beechwood Terrace and Colony Point apartment complexes. Taken together, these maneuvers bring a large number of African Americans to District 89, and separate them from their white neighbors.

Delegate Jones offered testimony that this Northern appendage was added to District 89 in order to include a funeral home owned by Delegate Alexander. Delegate Jones was mistaken. The location of the funeral home is indicated on Figure 20 below. It is not located in the Northern pipe extension. In fact, if the address is correct, it is not even located in District 89 at all. Delegate Alexander's funeral home

was drawn into District 100, which is based many miles away, across the water on the Eastern Shore.[7]

Figure 20: The Geography of Race in the "Pipe" Jutting out of the Northern Boundary of District 89, Norfolk



[7] The address of the funeral home is 7246 Granby Street, Norfolk, VA 23550. Metropolitan Funeral Service also has two other locations: one is on Berkley Avenue in Norfolk, and the other is on Portsmouth Boulevard in Portsmouth.

District 90

Figure 21: The Geography of Race in District 90 and Surroundings, South Hampton Roads

The benchmark version of District 90 had a BVAP of 57 percent, but it was under-populated by almost 9,000. As described above, it was necessary for District 90 to donate a substantial number of African Americans in Norfolk over to District 89, which was well under the 55 percent threshold, and had no other good way of achieving it. This left District 90 in a familiar scenario: it needed to add people, but could not add too many whites. Its Eastern border had been

drawn in the benchmark plan according to VTD boundaries, but as in other metro areas, African American suburbanization pushed the dividing line out further.

Figure 22: The Geography of Race in the Northeastern Appendage of District 90, South Hampton Roads

Figure 22 zooms in on the Eastern appendage of District 90. Aragona VTD had an African-American section to the West, and a white section to the East. The Legislature split the district as close to the dividing line as possible in order to keep African

Americans in HD90, and whites out. The same thing happened in Shell VTD, where the district boundary carves through the district so as to remove whites.

Figure 23: The Geography of Race in the Southern Appendage of District 90, South Hampton Roads

District 90's oddly shaped Southern appendage is displayed in greater detail in Figure 23 above. This appendage crosses both the county line and the river, creating a small fragment that is isolated from the rest

of the rest of the district.[8] It appears that the purpose for this was to add African Americans to District 90. Again, the block-level census data make clear that the selected VTDs already pulled African- American neighborhoods into the district. The exception was Reon, in the far Southern tip of the district (Figure 23 above). Here, the Legislature carved out a group of whites from District 90—evidently occupants of the College Square Townhomes and surrounding single-family houses—placing them in District 85.

District 77

The benchmark version of District 77 was closer to the population threshold than the other Hampton Roads districts, and already had a BVAP of 57.6 percent. It was also already drawn to slice up Chesapeake and pull out African Americans, divide African Americans in suburban Portsmouth into two segments so as to share them between Districts 77 and 80, and stretch all the way to Suffolk, where African Americans on one side of town were separated from whites on the other.

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[8] The county line is not indicated in Figure 23, but it corresponds to the old benchmark boundary indicated in blue at the North end of the map in Figure 23.

Figure 24: The Geography of Race in District 77 and Surroundings, South Hampton Roads

This basic arrangement was retained in HB 5005, but with a few flourishes. The shape of the Eastern side of District 77 was already odd, and it already featured strange water crossings and paid little attention to municipal boundaries. If anything, the shape only became a bit more convoluted in 2011. It was necessary for District 90 to shed some whites, which was achieved by moving a set of four precincts into District 77: Oaklette, Tanglewood, Norfolk Highlands, and Indian River. These VTDs contained a combined voting-age population of 11,231, of whom only 3,169 were African Americans. These VTDs can be seen most clearly in the map below, which zooms in on the East side of District 77 (Figure 25).

Figure 25: The Geography of Race in the Eastern Sliver of District 77 and Surroundings, South Hampton Roads

In its Memorandum Opinion, the Court notes that some of these changes "reunited" the "Old City of South Norfolk" (p. 141). Evidently this is a reference to the fact that Johnson Park VTD (BVAP 41.5%) was moved into District 77. The Northern part of the municipal boundary of South Norfolk is the Northern boundary of Johnson Park VTD. However, a bit to the South, the predominantly white Westover VTD (11.5% BVAP) is also part of the city of South Norfolk, and it was *removed* from District 77. Thus the changes in the boundaries to District 77 did not in fact reunite the city of South Norfolk. Moreover, the expansion of the district to the East, crossing a tributary of the

Elizabeth River into the Norfolk Highlands area, caused it to lose its focus on South Norfolk.

As described above, it was necessary to remove these whites from District 90 in order to reach the 55 percent BVAP target there. After gaining this substantial number of whites, it was then necessary to shed an offsetting number from District 77 in places where it did not abut another majority-minority district. This was achieved by dropping the extraneous white VTDs of Johnson Park, Westover, River Walk, Geneva Park, and E.W. Chittum School along the East-West corridor linking Chesapeake and Suffolk. As described above, the City of South Norfolk was broken apart by shedding Westover.

Obviously, traditional redistricting criteria were not involved in the design of District 77. The Eastern part of the district is completely cut off from the Western part by the Elizabeth River, with no bridges in the district. It is necessary to leave the district and drive some distance outside the district in order to return again. Delegate Jones could have easily solved this water crossing problem in a variety of ways—at least by including a bridge in the district— but all of them would have involved bringing too many whites into the district in order to achieve the BVAP target, or would have taken too many African Americans from District 89, thus threatening its ability to meet the target.

Rather than attempting to solve this contiguity problem, HB 5005 made it far worse. In the old configuration of the district, it was at least possible to skirt the Southern edge of the district by crossing the Bridge over the Elizabeth River on Route 460. After

the removal of the Geneva Park VTD, however, this became impossible. Even worse, the corridor linking the Western and Eastern parts of District 77 shrunk to half a mile with the removal of Geneva Park. There are no East-West roads of any kind traversing this half-mile strip. Thus it is necessary to drive well outside the district in order to get from its Eastern segment to its Western segment. In this case, traditional redistricting criteria were clearly subordinated.

This strange non-contiguity is exceptionally difficult to explain without understanding the racial motivation of the design if District 77. Without reaching over to Suffolk, District 77 could not possibly have reached the 55 percent target. The only other options for reaching the target would have involved taking far too many African Americans from Districts 80 or 89, undermining their ability to reach the target. It was crucial to draw a corridor over to Suffolk. Leaving aside the VTDs in Suffolk that were split along racial lines, the Suffolk VTDs of Southside, Hollywood, and White Marsh alone accounted for 7,334 voting-age African Americans. Without them, District 77 would not have even reached 50 percent BVAP.[9]

In order to extend all the way to Suffolk to reach its African American communities and stay above the 55 percent target, it was necessary for the Legislature to keep the East-West corridor exceptionally narrow.

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[9] District 77 in HB 5005 has a BVAP of 33,997, with a total VAP of 57,841. Removing 7,334 voting-age African Americans and replacing them with members of other racial groups would bring the BVAP down to 26,663 (46 percent).

Any effort to solve the water crossing problem or pay regard to traditional redistricting principles would have undermined the goal corridor's goal of achieving a racial target. For instance, imagine that the Legislature attempted to simply keep the old design of the Southern boundary of the corridor, keeping Westover VTD (and hence reuniting South Norfolk), and also keeping River Walk and Geneva Park VTDs. This would at least bring back the old situation in which voters could cross the bridge and drive along the edge of the district. These VTDs have relatively few African Americans, however (combined BVAP of 26 percent). If the Legislature had simply added these VTDs without regard for the fact that the district would become over-populated, the BVAP would fall to 54 percent.[10] But this over-populated district would then have to lose precincts elsewhere. How could this be achieved? If the Eastern VTDs were given back to District 90, HD 90 would fall short of the 55 percent BVAP threshold. Giving away any other VTDs would involve giving up African Americans, thus causing District 77 to fall even further short of the 55 percent target. Thus the Legislature's hand was forced by its adherence to the 55 percent BVAP target. It was necessary to keep the East-West corridor exceptionally narrow and inconsistent with traditional redistricting principles.

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[10] The district has a VAP of 57,841. These three VTDs would add additional VAP of 9,177, for a total of 67,018. The district has a BVAP of 33,997, and these three VTDs would add additional BVAP of 2,355, for a total of 36,352. The new BVAP of this (overpopulated) district would be 54 percent.

As with other narrow corridors explored above, the alterations to the East- West strip of District 77 helped generate the starkest possible segregation of blacks and whites. The only exception, or course, was the boundary with District 80 to the North, where it was necessary to divide African Americans across two districts in order to make two districts with a 55 percent BVAP in an area where any effort to follow traditional redistricting principles would not have.

Figure 26: The Geography of Race in the Western Sliver of District 77 and Surroundings, Suffolk

Finally, the benchmark district follows Route 58, traverses the Great Dismal Swamp, and continues West to Suffolk, which is depicted in Figure 26 below. The old Benchmark boundary followed VTDs. HB 5005, however, splits the John F. Kennedy VTD precisely at the dividing line between African Americans to the South and whites to the North. The same split was introduced in the Lakeside VTD, so as to separate African Americans on the East side from whites on the West side of the VTD. Again, it is difficult to fathom a non-racial reason for these splits, just as it is difficult to fathom a non-racial explanation for the overall design of District 77.

VI. Conclusions

I conclude that race was the predominant consideration in the design of the HB 5005 districts for the House of Delegates in Virginia in the Richmond, Tri-City, and Tidewater regions. It is simply not possible to design 12 districts with population around 80,000 and African-American voting-age majorities of 55 percent without considerable attention to race. This goal required a careful, region-wide strategy for the distribution of African Americans across districts, as well as a laser-sharp focus on race in the selection of each VTD and census block.

Where African-American populations live in dense clusters, as in the North Side of Richmond or in Norfolk, neighborhoods had to be broken up so as to disperse African Americans as efficiently as possible across districts. When African Americans are in smaller clusters, such as in Hopewell or Suffolk, they had to be carefully carved off from surrounding white neighborhoods and connected with distant African

Americans in other towns via narrow corridors that minimize the inclusion of whites.

The 2010 Decennial Census made clear that the urban core districts were severely under-populated relative to the surrounding white suburbs, as African Americans, like whites, had continued to move to suburbs. In many cases, this meant that the dividing line between African Americans and whites had shifted outward. Thus the district boundaries of the benchmark majority-African-American districts had to shift outward in order to achieve the 55 percent target. In cities that were under-populated, it was necessary to carefully move African Americans around from one district to another, and to remove whites, often with little regard for water boundaries, neighborhood boundaries, and other traditional redistricting criteria.

In a few cases, the achievement of the racial target in HB 5005 required rather dramatic alterations. For example, District 95 in Newport News reached out far to the North in order to draw in a narrow corridor of suburban African Americans and then donate African-American neighborhoods to District 92. District 80 had to develop a new corridor and tentacle to the Northwest in order to bring in a suburban African-American enclave that had previously not been part of a majority-minority district. And District 63 had to develop a new, narrow corridor over to Hopewell, slice through Fort Lee, and extract the African-American wards from the South Side of Hopewell.

One of the clearest fingerprints of this race-based redistricting process is the extent to which the exterior

boundaries of the challenged districts correspond to dividing lines between white and African-American residential areas. Sometimes the dividing lines between these neighborhoods correspond to municipal or county boundaries, which are often points of racial segregation. In those spots (e.g. the dividing line between Colonial Heights and Petersburg), traditional redistricting criteria and the achievement of racial targets can work together. But in many areas, the goal of either including African Americans or excluding whites required the Legislature to cross rivers, bisect county boundaries, and split VTDs in order to achieve its racial targets.

In many of the challenged districts, the Legislature had very little room to maneuver in attempting to reach its racial targets while also achieving population equality. For the most part, VTD boundaries correspond rather well to the streets or other geographic features that divide majority-African-American neighborhoods from majority-white neighborhoods. But on some occasions—especially when apartment complexes populated with large numbers of African Americans were built in suburban settings characterized mostly by single-family homes occupied by whites—the Legislature found it necessary to carve up VTDs based on race in order to achieve its racial targets.

Reply Report of Jonathan Rodden, PhD, Bethune-Hill v. Va. State Board of Elections
(Aug. 29, 2017)
(Plaintiffs' Exhibit 70)

I. Introduction and Summary

On August 2, 2017, I provided an expert report on behalf of Plaintiffs concluding that race was the predominant factor in drawing twelve of the current districts for the Virginia House of Delegates. Dr. Thomas Brooks Hofeller and Dr. Jonathan Katz provided supplemental declarations that discussed my initial report, and I have been asked to provide a response.

These supplemental declarations provide very few specific critiques of my analysis, and do little to challenge either its specific claims or broad conclusions. Rather, Dr. Hofeller and Dr. Katz express vague dissatisfaction with my analytical approach. As I discuss below, my approach was crafted in response to the explicit guidance provided by the Supreme Court in this case. In sum, the critiques of Dr. Hofeller and Dr. Katz are not convincing, and do not alter my conclusions.

II. Responses To Dr. Hofeller

On the first page of his supplemental declaration, Dr. Hofeller argues that my report is "incomplete," but does not explain the reason for this characterization. Later in the report, it becomes clear that Dr. Hofeller's main critique is that he believes I should have provided a complete alternative statewide districting plan. On page 7, he states that my report "does not allow added substantial value to a discussion of the

issues involved in this case" unless it provides "a completely new statewide sample plan, accompanied by a block assignment file."

This betrays a basic misunderstanding of the purpose of my report and its value to the Court. My report was crafted as a direct response to the instructions of the Supreme Court when it remanded this case to the District Court. Quoting from *Miller v. Johnson*, 515 U.S. 900, at 916, the Court reminds us that the Plaintiffs in this case bear the burden "to show, either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's [districting] decisions." Thus it is necessary to show "that the legislature subordinated traditional race-neutral districting principles ... to racial considerations." *Miller, supra*, at 916.

The Court goes further and provides clear guidance on the type of evidence that is required. The Court is very clear that racial gerrymandering claims must proceed "district-by-district." The Court clarifies that "any explanation for a particular portion of the lines must take account of the districtwide context. A holistic analysis is necessary to give the proper weight to districtwide evidence, such as stark splits in the racial composition of populations moved into and out of a district, or the use of a racial target" (Slip Op. p. 12). My report took a district-by-district approach, and provided precisely the type of holistic, districtwide evidence called for by the Court. Drawing on my expertise in mapping and geo-spatial analysis, I examined the demographic composition of the

populations included and excluded in each district, the geographic contours of each district, and the geospatial relationship between the two.

The Court clarifies that it can be useful to look at the broader regional and statewide context as well: "Districts share borders, after all, and a legislature may pursue a common redistricting policy toward multiple districts." *Id.* at 12. Indeed, a crucial aspect of my report was a description of the geography of racial groups in each region, and the difficulty of producing twelve districts with 55 percent BVAP without using targeted, race-based strategies like, for example, linking disparate African-American populations via narrow corridors.

A court may also "consider evidence regarding certain portions of a district's lines, including portions that conflict with traditional redistricting principles," as long as this "take[s] account of the districtwide context." *Id.* at 12. Drawing on my research and practical experience related to redistricting, my report focused on a good number of specific districting decisions, pointing out situations in which the evidence is quite clear that racial considerations predominated over traditional redistricting criteria, while also explaining why such decisions were important components of an overall districtwide and regional strategy to achieve the 55 percent BVAP target in the challenged districts.

In situations where it is quite clear that the legislature's plan deviated from traditional redistricting criteria—such as compactness and maintenance of municipal and county boundaries—and that these had obvious racial effects, the

Defendant-Intervenors provided various non-racial post-hoc explanations for these deviations. To provide the Court with more information about these claims, my district-by-district approach focused on the areas in question, and my geo-spatial analysis revealed that in many cases, these claims were tenuous at best.

In short, I provided the type of holistic analysis called for by the Court. It is difficult to see why this analysis would have been enhanced by the creation of an alternative map, and the Supreme Court does not appear to call upon plaintiffs to create such a map.

My report draws on the analysis of a series of dot density maps of demographics and existing boundaries displayed at different geographic scales. Dr. Hofeller's critique is curious: "the maps are difficult for many line-drafters to understand and to grasp the information required for actual line drawing" (page 2). It was not my intention to inform future line-drawers or draw my own districts, but rather to provide the Court with helpful visual displays that place individual voters in their residential locations, showing where these voters are in relation to boundaries of old and new districts as well as county and municipal boundaries and other geographic features of interest.

Dr. Hofeller expresses a preference for "actual numbers" and "thematic coloring" to explain the assignment of geographic areas such as VTDs. Fortunately for Dr. Hofeller, both Dr. Ansolabehere and Dr. Palmer have provided analyses using these tools. My analysis complements these "actual numbers" and "thematic coloring" maps and supplements them by providing information about the

number of individuals and their geographic location within a VTD, while conveying valuable information about population density. Maps that display VTDs and census blocks according to their BVAP are useful, but they do not always tell the full story. A sprawling, mostly unpopulated VTD that contains cemeteries or industrial facilities and only 10 individuals, 9 of whom are African Americans, will show up as 90 percent African-American—the same as a compact, densely-populated VTD with 1,000 people, 900 of whom are African Americans. For the analysis in my report, in order to understand movements of voters in and out of electoral districts, the number of individuals of different races—and their geographic location within VTDs—are the quantities of interest. My analysis also zooms in on crucial regions and discusses a level of local detail—including information about the role of features like apartment complexes, streets, VTD shapes, incumbent residential addresses, and water crossings—that are difficult to deal with in a quantitative analysis. The best way for the Court to understand the role of race in HB 5005 is to consider both quantitative and qualitative analysis.

Dr. Hofeller acknowledges and does not dispute the evidence in my report that VTDs were split rather precisely so as to divide white and African-American neighborhoods. In paragraph 6, he seems to imply that these VTD splits occurred where they did because of the "use of geographic regions" when drawing districts, and the necessity of correcting population deficiencies in the challenged districts and other surrounding districts. Yet he does not explain how these constraints led to the precise location of VTD splits on the streets that divided white and African-

American neighborhoods. My report contained a number of detailed examples. It would have been helpful for Dr. Hofeller to have engaged with at least one of them and explain, for instance, why the difficulty of achieving population equality across districts required those splits to be made where they were. Dr. Hofeller's failure to do so is telling.

On pages 4 and 5, Dr. Hofeller misrepresents my (very brief) mentions of school district, city council, and ward boundaries. My intention was not to criticize the plan drafters for not formally including school attendance zones in their analysis. Rather, discussions of traditional redistricting criteria often draw on concepts such as "neighborhoods" and "communities of interest" that are difficult to conceptualize or define. One way to bring clarity to a question about whether a district boundary has split a meaningful "neighborhood," in the absence of formal neighborhood boundaries or a survey asking respondents about their self-perceived neighborhoods or communities of interest, is to examine schools and city governments.

In this case, it is especially noteworthy if, as part of an effort to reach the 55 percent BVAP target, a legislative district boundary was drawn so as to bisect a distinct neighborhood that had been consistently held together by those drawing boundaries of city council districts and school attendance zones. As I described in my report, this was the case for the Fan Neighborhood in Richmond. Dr. Hofeller cites media reports indicating that the Richmond School Board has, at various times, considered redrawing its school boundaries in order to make necessary changes due to

budgetary considerations and population shifts—and each time faced stiff resistance from neighborhood residents who do not wish to alter school attendance zones. The articles provided by Dr. Hofeller make precisely the opposite point than the one he wishes to make: school boundaries are quite stable, and indeed reflect neighborhoods and communities of interest. Unlike legislative districts, they are not subject to the constraint of population equality, and are thus far more stable and reflective of communities of interest (as understood by the actual residents) than legislative boundaries. In any case, according to the media reports cited by Dr. Hofeller, the school boundaries cited in my report have been stable for decades, and have still not changed in spite of the apparent need for reform.

On page 6, Dr. Hofeller misconstrues my discussion of compactness as follows: "Dr. Rodden further asserts that his proposed districts are more compact." It was not my intention to propose an alternative plan featuring a set of districts that was more compact than those of HB 5005. Again, my intention was to provide the analysis called for by the Supreme Court: "In general, legislatures that engage in impermissible race-based redistricting will find it necessary to depart from traditional principles in order to do so" (Slip Op. p. 10). I made no claims about the overall compactness of the districts in HB 5005, and how they compare to any other alternative districts. Rather, as part of the holistic district-by-by-district analysis called for by the Court, I provided an analysis of situations in which there was a tension between the goal of achieving greater compactness and the goal of achieving a racial target set out by the

legislature—and demonstrated that the tension was resolved in favor of the latter.

In some cases, this analysis involved a very small area: for example the departure from compactness in the creation of a small appendage that pulled African-American apartment complexes into one of the challenged districts while circumventing surrounding whites so as to leave them out. (See, e.g., Rodden Report p. 57 (District 89)). In other cases the departure from compactness involved the architecture of an entire district, such as when the legislature's racial goals required long corridors that linked geographically dispersed African-American communities. (See, e.g., Rodden Report p. 63 (District 77)).

Dr. Hofeller provides no response whatsoever to these or any other districtspecific analyses contained in my original report. Dr. Hofeller's apparent preference for an alternative redistricting plan or a different type of analysis does not refute—and in no way alters—my conclusion that race predominated in the drawing of the challenged districts.

III. Responses To Dr. Katz

Dr. Katz includes a rather vague general critique as well as two very specific critiques of my characterizations of geographic compactness in Districts 70 and 71. First, he characterizes my report as "unusual" because it "provides no statistical foundation for its arguments" and "focuses almost exclusively on narratives" (Katz Supplemental Report p. 12). Indeed, as I have described above, the Supreme Court calls for holistic district-by-district analysis, which is best achieved by a combination of qualitative

and quantitative analysis. In this case, quantitative analyses were provided by Dr. Ansolabehere and Dr. Palmer. Their reports demonstrate that the inclusion and exclusion of VTDs in the challenged districts was driven primarily by race. Moreover, they demonstrate that when VTDs were split, these splits were based very clearly on race.

My report sets out to illuminate and contextualize these facts, providing a complement to the quantitative studies. It is often difficult to appreciate the meaning of quantitative results from examining a regression table.[1] On such occasions, it is often useful

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[1] Furthermore, there are often occasions in the courts where opposing expert witnesses will attempt to obfuscate even the most solid statistical facts with jargon and dubious alternative statistical specifications. This case is no exception. Dr. Katz has endorsed a highly unusual approach to spatial statistics in his supplemental report. (See Katz Supplemental Report p. 8) In the estimation of a model that predicts whether a VTD is included in one of the challenged districts, Dr. Katz endorses the inclusion of a matrix of 12 highly correlated control variables capturing distance from the centroid of each of the challenged districts to each individual VTD. In all of my years of doing research and teaching in the field of spatial statistics, I have never encountered such a model, and I can think of no justification for it. It is never advisable to introduce a raft of highly correlated control variables to a statistical model without strong theoretical justification, above all because this practice produces coefficients that are unstable and unreliable. Furthermore, in Table 4 of his supplemental report, Dr. Katz endorses some very unusual approaches to the weighting of observations. For instance, he weights by inverse population, such that the smallest VTDs receive the highest weights, and explores models in which VTDs are weighted by race. I can think of no justification for such unusual estimation strategies. The approaches taken by Dr. Ansolabehere and Dr. Palmer, by contrast, are far more in keeping with standard statistical practice.

to supplement statistical analysis with visualization and description of the data. This was the approach taken in my report. In this case, I assembled data from a wide variety of sources and used my experience with cartography and geo-spatial analysis to provide the Court with the qualitative analysis, population density maps, and summary statistics needed to contextualize the statistical data in its assessment of racial predominance. The coefficients for race in Dr. Palmer's models of VTD selection should be very useful to the Court, but it is also useful to go further, providing context by layering on additional geo-spatial data that both illuminate and supplement the interpretation of coefficients of regression models. For example, my report shows that at least part of every majority-black VTD in the Richmond area is included in one of the challenged districts. It is difficult to fully comprehend just how this was achieved without detailed maps and careful geo-spatial analysis.

Moreover, the state has made a number of idiosyncratic, context-specific claims about non-racial motives for what appear to be racial districting decisions. These claims were often quite specific—for instance relating to incentives of incumbents and challengers and the role of geographic features like residential and business locations—and hence do not fit easily into the general statistical models presented by Dr. Ansolabehere and Dr. Palmer. My report supplemented these statistical models by subjecting these claims to fine-grained geo-spatial analysis. I demonstrate that the striking racial patterns discovered in the quantitative studies are not statistical artifacts, and cannot be explained away by post hoc stories or coincidences.

Finally, like Dr. Hofeller, Dr. Katz's discussion of compactness seems to misunderstand or mischaracterize the purpose of my report. It was not my intention to compare the compactness of individual challenged districts with other challenged districts, or to contrast the compactness scores of HB 5005 with those of the benchmark plan. Rather, my intention was to discuss specific districting decisions where the goal of achieving a 55 percent BVAP majority and the goal of observing traditional redistricting criteria came into conflict. My mention of compactness in District 70 was in response to the Court's discussion of what was recognized to be a non-compact feature of District 70: the "turret" at the top of the district (Mem. Op. p. 128). Likewise, in District 71, my intention was not to make a claim about the district's overall compactness, but to point out that specific choices were made that were demonstrably contrary to traditional redistricting principles.

My intention was to leave discussions of overall compactness to other reports. As my report clarifies, the overall regional districting strategy that was required to produce twelve districts with BVAP over 55 percent did not require the state to produce twelve highly non-compact districts. This 55 percent BVAP goal did, however, require the legislature to draw some districts—specifically, those that were needed to connect far-flung African-American communities—in ways that can easily be characterized as highly non-compact by most measures. (E.g., Districts 63, 74, 80, 77, and 95). And even for those districts that are not objectively "noncompact" on each quantitative scale, the choice about which populations to add or exclude often sacrificed the achievement of greater

compactness in favor of achievement of the 55 percent BVAP floor in that district or in another challenged district (E.g., Districts 69, 70, 71, 89, 90, and 92). Many of the indentations, turrets, pipes, and appendages of these districts can be clearly traced to this racial goal. For these reasons, context-free comparisons of compactness scores, such as those produced by Dr. Katz, do not provide the holistic analysis called for by the Supreme Court.

IV. Conclusion

Drawing on my experience working with geo-spatial data in the context of redistricting, my report provided a holistic district-by-district analysis of the role of race, along with other competing factors, in the construction of the boundaries of the challenged districts in HB 5005. I demonstrated that race was the predominant factor in the construction of these districts. The supplemental reports provided by Dr. Hofeller and Dr. Katz do nothing to dispute or undermine this conclusion.

Expert Report of Maxwell Palmer, *Bethune-Hill v. Virginia State Board of Elections* (Aug. 2, 2017)

(Plaintiffs' Exhibit 71)

I. Statement of Inquiry

1. I have been asked to examine the composition of twelve House of Delegates districts under the map enacted by the Virginia General Assembly in HB 5005 (the "Enacted Map"). I was asked to examine racial predominance in the drawing of the district lines and racially polarized voting in these districts. In addition to my own analysis, I was asked to evaluate the opinions expressed by the other experts prepared for the 2015 trial before this court.

2. The twelve districts I was asked to examine are Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95 (the "challenged districts"). I restricted my analysis to these districts and, when necessary, those that border these districts or that exchanged population with these districts from the map used from 2001 to 2010 (the Benchmark Map).

II. Summary of Analysis and Findings

3. There is substantial evidence that race predominated in the ways that VTDs, cities, towns, and census places were divided between challenged and non-challenged districts. With few exceptions, these areas were divided such that the portions allocated to challenged districts had a higher BVAP percentage than the portions allocated to non-challenged districts.

4. In the case of split VTDs, the divisions by race are especially strong evidence of racial predominance, as there was no party or electoral information

available to the mapmakers when dividing these areas.

5. The movement of populations between districts highlights how HB 5005 selected Black voters in drawings the challenged districts. Black voters were moved out of non-challenged districts and into challenged districts at a higher rate than White voters or than Democratic voters. At the same time, White voters and Democratic voters were moved out of the challenged districts and into the non-challenged districts at a higher rate than Black voters.

6. Race had a much larger effect than party on the assignment of VTDs to challenged districts. Using a properly specified version of Dr. Katz's statistical model of VTD assignment, I find that there is a large and significant relationship between BVAP and VTD assignment, but no such relationship between Democratic vote share and VTD assignment.

7. A 55% BVAP threshold was not necessary for the challenged districts to continue electing African-American candidates of choice. I find that the challenged districts would have continued electing the African-American candidates of choice by significant margins if BVAP were reduced to lower levels.

III. Qualifications

8. I am currently an Assistant Professor of Political Science at Boston University. I joined the faculty at Boston University in 2014, after completing my Ph.D. in Political Science at Harvard University. I teach and conduct research on American politics and political methodology.

9. I have published academic work in leading peer-reviewed academic journals, including *The American Political Science Review* and *The Journal of Politics*. I have published work on compactness in redistricting in *The Ohio State University Law Review* and on traditional redistricting principles in *The Journal of Politics*. My curriculum vitae is attached to this report. My published research uses a variety of analytical approaches, including statistics, geographic analysis, and simulations.

10. I have served as a litigation consultant on numerous cases involving the Voting Rights Act, including redistricting, voter identification, and early voting. I assisted Dr. Ansolabehere in the research and analysis on multiple cases concerning congressional and state legislative districting, including: *Perez v. Perry*, in the U.S. District Court in the Western District of Texas (No. 5:11-cv-00360); *LULAC v. Edwards Aquifer Authority* in the U.S. District Court for the Western District of Texas, San Antonio Division (No. 5:12cv620-OLG,); *Harris v. McCrory* in the U. S. District Court for the Middle District of North Carolina (No. 1:2013cv00949); *Guy v. Miller* in the U.S. District Court for Nevada (No. 11-OC-00042-1B); *In re Senate Joint Resolution of Legislative Apportionment* in the Florida Supreme Court (Nos. 2012- CA-412, 2012-CA-490); and *Romo v. Detzner* in the Circuit Court of the Second Judicial Circuit in Florida (No. 2012 CA 412).

11. I am being compensated at a rate of $300/hour for my work in this case.

IV. Data

12. I relied on the following primary data sources for this report.

1. 2010 United States Census data, provided by the Commonwealth of Virginia Division of Legislative Services (http://redistricting.dls.virginia.gov/2010/Census2010.aspx) and the U.S. Census Bureau.
2. Cartographic shape files, provided by the Division of Legislative Services (districts, VTDs) and the U.S. Census Bureau (census blocks, census places).
3. Precinct-level election results for elections held in Virginia from 2008 to 2014, collected from the Virginia Department of Elections (https://apps.elections.virginia.gov/SBE_CSV/ELECTIONS/ELECTIONRESULTS/).
4. Data files and code provided by Dr. Katz from his expert report in the preceding trial.

V. Split Geographies

13. Respecting existing political boundaries is a core traditional redistricting principle. Here, I examine violations of this principle by identifying splits at the VTD and municipal levels.

14. 31 of the 32 VTDs split between challenged and non-challenged districts are divided such that the portion assigned to the challenged district has a higher BVAP than the portion assigned to the non-challenged district. On average, BVAP is 24% higher in the parts of each split VTD assigned to a challenged

district. Because there is no party or electoral information below the VTD level, party, as defined by past electoral performance, cannot be a factor in these splits.

15. In the seven VTDs split *between* challenged districts, BVAP was allocated to meet the 55% BVAP threshold in each challenged district.

16. In addition, ten cities, four incorporated places, one military base, and ten unincorporated places are split between challenged and non-challenged districts. In all 25 places, the areas assigned to the challenged districts have a higher BVAP than the areas assigned to the non-challenged districts.

V.A Split VTDs

17. The Ansolabehere Report and the Hood Report both examine voting tabulation district (VTD) splits. The number of split VTDs increased from the benchmark map to HB 5005, and split VTDs are more common in the challenged districts than the remainder of Virginia (Ansolabehere, ¶60–65; Hood p.5).

18. I extend the VTD split analysis in the Ansolabehere Report by examining the differences in populations in each piece of a split VTD. Each VTD is made up of a number of census blocks.[1] The 2010 U.S. Census provides detailed population data at the census block level. I used GIS shape files of census blocks and VTDs to determine the VTD of every census block, and to calculate the composition of each piece of

[1] No census block is split across multiple VTDs or districts.

a split VTD. Figure 1 provides an example of one such VTD split in the Enacted Map, and how census block data can be used to consider race in splitting the VTD.

19. Election data is not available at the census block level. The lowest level of reported elections results are at the VTD level. Consequently, individual census blocks cannot be assigned to districts on the basis of voting data.[2] The only data available when splitting VTDs by census block is census data, which does not include any partisan or electoral data. The public redistricting data provided by the Commonwealth of Virginia did not include any partisan or electoral data below the VTD level.

20. To the best of my knowledge, the data below the VTD level that was available to the legislature when drawing the Enacted Map was limited to U.S. Census data. The census block data available from the Division of Legislative Services includes only counts of total population and voting age population (VAP) by race and ethnicity. The standard census form sent to every household collects data only on each individual's race, ethnicity, age, and sex (https://www.census.gov/history/pdf/2010questionnaire.pdf).

21. There are 39 VTDs split such that part of the VTD is in a challenged district and where both parts

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[2] Election results can be disaggregated to blocks on the basis of total population or VAP. This does not provide any variation in party preferences across the VTD. Another approach would be to use a model based on demographics in the census block, but such models are restricted to census data, which excludes electoral data.

of the VTD are populated.[3] There are split VTDs in 11 of the 12 challenged districts; only District 92 avoids split VTDs. Table 1 lists the number of VTDs split by district. Ten challenged districts have VTDs that are split with a non-challenged district. Seven districts have VTDs that are split with another challenged district.

VTDs Split Between Challenged and Non-Challenged Districts

22. In this section I analyze the VTDs split between challenged and non-challenged districts in two ways. First, I identify every VTD split and show that 31 of the 32 VTDs split in this way are divided such that the higher BVAP portion of the VTD is assigned to a challenged district and the lower BVAP portion of the VTD is assigned to a non-challenged district. Second, I use a logistic regression model to estimate the probability that a census block within a split VTD will be assigned to a challenged district.[4] I show that there is a strong positive relationship between the BVAP of a census block in a split VTD and its assignment to a challenged district.

23. There are 32 VTDs split between a challenged and a non-challenged district where both parts of the

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[3] This analysis excludes six VTDs that are split but where all of the population in the VTD resides in only one district.

[4] A logistic regression is a type of regression where the outcome (dependent variable) is binary rather than continuous. In this case, the outcome for each census block is either *assigned to challenged district* = 1 or *assigned to a non-challenged district* = 0.

VTD are populated.[5] Of these 32 split VTDs, 31 VTDs have a higher BVAP in the portion of the VTD assigned to a challenged district than the portion of the VTD assigned to a non-challenged district.

24. The average BVAP of the parts of a split VTD assigned to challenged districts is 24% higher than the average BVAP of the parts of the split VTDs assigned to non-challenged districts.

25. When a VTD is split, census blocks are assigned individually to districts.[6]

26. Among the VTDs that are split between a challenged district and a nonchallenged district, a census block is significantly more likely to be assigned to a challenged district when its BVAP is higher. Figure 2 shows the positive relationship between BVAP and assignment to a challenged district. As the BVAP of a census block increases, the probability that it is assigned to a challenged district increases. 27. A second way to demonstrate the relationship between BVAP and assignment to a challenged district is through a logistic regression. This model estimates the probability that a census block will be assigned to

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[5] Three VTDs are split three ways, between one challenged district and two non-challenged districts: Courts Bldg and Rives in Prince George and Reservoir in Newport News.

[6] Census tracts or census block groups could also be assigned. However, it is common for the next level of geography after VTDs to be census blocks. For example, in the map viewer available from the Virginia Department of Legislative Services (at http://redistricting.dls.virginia.gov/2010/RedistrictingPlans.aspx#map), the only level of geography smaller than VTDs is census blocks. Similarly, the Department of Legislative Services provides census data at the VTD and block levels, but not at the block group or tract levels.

a challenged district versus a nonchallenged district, while recognizing that this probability must be bounded between zero and 100%. Table 2 presents the results of this analysis.[7] I first estimate this relationship for all of the challenged districts together (the top section of Table 2), and then separately for each district.

28. In Table 2, the *BVAP Coef.* column identifies the estimate of the relationship between census block BVAP and assignment to a challenged district. The larger the coefficient, the stronger the relationship. The five columns on the right-hand side of the table use this model to estimate the probability that a census block with a given BVAP will be assigned to a challenged district. For example, using the model with all districts together (the top row), a census block with a 25% BVAP has a 31% chance of being assigned to a challenged district, while a census block with a 75% BVAP has a 78% chance of being assigned to a challenged district. In other words, a block with 75% BVAP is 2.5 times more likely to be assigned to a challenged district than a block with 25% BVAP. A block with 100% BVAP is 6.6 times more likely to be assigned to a challenged district than a block with 0% BVAP (91% vs. 14%).

29. From Table 2, I conclude that there is a positive and statistically significant relationship between assignment to a challenged district and

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[7] The sample for this regression is every populated census block located in a precinct that is split between a challenged district and a non-challenged district and where both parts of the split VTD are populated (see Tables 3–6). N=2,146 census blocks. Observations are weighted by total population.

BVAP for all of the districts together and for models estimating block assignment in each challenged district individually. In short, this model indicates that VTDs that were split between challenged and non-challenged districts were divided by race.

30. The analysis below walks through the split VTDs in each region at issue in this case, and demonstrates that VTDs split between challenged and non-challenged districts are consistently divided by race: Black voters are placed in challenged districts while White voters are placed in adjacent non-challenged districts. The analysis further shows that, with respect to each challenged district, the higher the BVAP of a given census block, the more likely it is to be included in the district.

VTDs Split in the Dinwiddie-Greenville Area (Districts 63 and 75)

31. There are 12 VTDs split between a challenged district and a non-challenged district in the Dinwiddie-Greenville area. Table 3 lists these split VTDs and the populations and BVAP percentage for each part of the VTD.

32. There are four populated VTDs split between District 63 and a non-challenged district. In all four cases, the portion of the VTD assigned to District 63 has a higher BVAP than the portion assigned to the other districts. The difference is especially stark in Hopewell Ward 7. The VTD is split such that District 63 gets 29% of the population, but 51% of the BVAP. Figure 3 illustrates how Ward 7 was divided by race.

33. Using logistic regression, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to

District 63 relative to the census blocks assigned to Districts 62 and 64. A census block with 75% BVAP is 1.3 times more likely to be assigned to District 63 than a census block with 25% BVAP (see Table 2).

34. District 75 displays a similar pattern — among the eight populated VTDs split between District 75 and a non-challenged district, all of them reflect a higher BVAP in the portion of the VTD assigned to District 75 than the portion assigned to the other districts. The differences are especially large in Camp's Mill and Precinct 2-1 (see Table 3). In Camps Mill, the VTD is split such that District 75 gets 67% of the population, but 93% of the BVAP. In Precinct 2-1, the VTD is split such that District 75 gets 47% of the population, but 69% of the BVAP. Figure 3 illustrates how these two VTDs were divided by race.

35. Using logistic regression, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 75 relative to the census blocks assigned to Districts 61 and 64. A census block with 75% BVAP is 1.8 times more likely to be assigned to District 75 than a census block with 25% BVAP (see Table 2).

VTDs Split in the Richmond Area

36. There are six VTDs split between a challenged district and a non-challenged district in the Richmond area. Table 4 lists these split VTDs and the populations and BVAP percentage for each part of the VTD.

37. There are two populated VTDs split between District 69 and a non-challenged district. In both cases, the portion of the VTD assigned to District 69 has a higher BVAP than the portion assigned to the

other districts. For instance, Precinct 410 is split such that District 69 gets 77% of the population, but 93% of the BVAP. Figure 4 illustrates how this VTD was divided by race.

38. There is also a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 69 relative to the census blocks assigned to Districts 27 and 68. A census block with 75% BVAP is 1.4 times more likely to be assigned to District 69 than a census block with 25% BVAP (see Table 2).

39. There is one populated VTD split between District 70 and a non-challenged district, Dorey VTD in Henrico County. The BVAP of the part of the VTD is District 70 is nearly double the BVAP of the part of the VTD in District 62 (see Table 4).

40. Table 2 further indicates a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 70 relative to the census blocks assigned to District 62. A census block with 75% BVAP is 1.3 times more likely to be assigned to District 70 than a census block with 25% BVAP.

41. There are three populated VTDs split between District 74 and a non-challenged district. In all three cases, the portion of the VTD assigned to District 74 has a higher BVAP than the portion assigned to the other districts. For instance, the Moody VTD is split such that District 74 gets 38% of the population, but 85% of the BVAP. Figure 4 illustrates how this VTD was divided by race.

42. Once again, there is a strong positive and statistically significant relationship between BVAP

and the census blocks assigned to District 74 relative to the census blocks assigned to District 72. A census block with 75% BVAP is 1.3 times more likely to be assigned to District 74 than a census block with 25% BVAP (see Table 2).

VTDs Split in South Hampton Roads

43. There are nine VTDs split between a challenged district and a non-challenged district in South Hampton Roads. Table 5 lists these split VTDs and the populations and BVAP percentage for each part of the VTD.

44. There are two populated VTDs split between District 77 and a non-challenged district. In both cases, the portion of the VTD assigned to District 77 has a higher BVAP than the portion assigned to the other districts. For instance, the John F. Kennedy VTD is split such that District 77 gets 75% of the population, but 96% of the BVAP. Figure 5 illustrates how this VTD was divided to capture almost all of the VTD's African-American population in District 77.

45. Table 2 reveals a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 77 relative to the census blocks assigned to Districts 76 and 78. A census block with 75% BVAP is 2.5 times more likely to be assigned to District 77 than a census block with 25% BVAP.

46. There is one populated VTD split between District 80 and a non-challenged district. Consistent with the other split VTDs, the portion of the VTD assigned to District 80 has a higher BVAP than the portion assigned to District 79.

47. There is also a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 80 and the census blocks assigned to District 79 (see Table 2). The 10 census blocks assigned to District 80 in the split VTD average 98% BVAP, and range from 93% to 100% BVAP. The 86 blocks assigned to District 79 in the split VTD average 57% BVAP.[8]

48. In District 90, the Aragona, Shell, and Reon VTDs (all in Virginia Beach) are split with Districts 83 or 85. In all three cases, the portion of the VTD assigned to District 63 has a higher BVAP than the portion assigned to the other districts. The Aragona VTD is split such that District 90 gets 25% of the population, but 50% of the BVAP. Figure 5 illustrates how this VTD was divided by race.

49. Once again, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 90 relative to the census blocks assigned to Districts 83 and 85. A census block with 75% BVAP is 3.1 times more likely to be assigned to District 90 than a census block with 25% BVAP (see Table 2).

50. There are three populated VTDs split between District 89 and a non-challenged district. Granby and Titustown Center fit the pattern seen with almost every other VTD split between challenged and non-challenged districts: the portion of the VTD assigned

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[8] It is impossible to calculate the relative probability the a census block with 75% BVAP will be assigned to District 80 relative to the probability that a census block with 25% BVAP will be assigned, as the probability of the latter event is 0.

to District 89 has a higher BVAP than the portion assigned to the other districts.

51. The Zion Grace VTD is the lone exception to the rule. There, the portion of the VTD assigned to District 89 has a lower BVAP than the portion assigned to District 79. Notably, the portion of Zion Grace assigned to district 89 is very small, and includes only 6% of the population of the VTD.

52. Even with the Zion Grace outlier, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 89 relative to the census blocks assigned to Districts 79 and 100. A census block with 75% BVAP is 2.9 times more likely to be assigned to District 89 than a census block with 25% BVAP (see Table 2).

VTDs Split in North Hampton Roads

53. Where there are no split VTDs in District 92, its neighboring District 95 contains five (see Table 6).

54. In all five cases, the portion of the VTD assigned to District 95 has a higher BVAP than the portion assigned to the other districts. For instance, the Jenkins VTD is split such that District 95 gets 50% of the population, but 70% of the BVAP. Figure 6 illustrates how this VTD was divided by race.

55. Using logistic regression, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 95 relative to the census blocks assigned to Districts 93 and 94. A census block with 75% BVAP is 3.0 times more likely to be assigned to District 95 than a census block with 25% BVAP (see Table 2).

56. Figure 7 maps the five split VTDs in District 95, with each census block shaded by BVAP. This figure depicts a pattern seen across the challenged districts: VTDs are consistently split along racial lines such that high BVAP areas are concentrated in the challenged districts and lower BVAP areas are allocated to adjacent non-challenged districts.

57. The data and figures make clear not only that race predominated over the principle of maintaining the integrity of VTDs in the challenged districts, but also that, with one exception, race explains every single VTD split between a challenged and non-challenged district.

VTDs Split Between Challenged Districts

58. There are seven VTDs split between two challenged districts, where both parts of the VTD are populated (see Table 7). In this section I analyze these seven VTDs and show that split VTDs were used to increase BVAP in the challenged districts that required additional BVAP to meet the 55% BVAP threshold.

59. Four of these VTDs are split between District 63 and District 75. None of these VTDs were plit in the Benchmark Map, and all were fully allocated to District 63.

60. These splits served to increase the BVAP of District 75 above 55%. Other configurations of these four VTDs that avoid such splits maintain equal population but drop BVAP in District 75 just below the threshold. For instance, If New Hope and Dinwiddie VTDs were fully allocated to District 63, and Rohoic and Edgehill were fully allocated to District 75, both districts would have near population equality (79,688

in District 63 and 79,209 in District 75). However, in District 75, the BVAP wold drop to 54.7%.

61. There are two VTDs split between challenged districts in the City of Richmond (see Table 7). VTD 505 is split between Districts 69 and 71, and VTD 703 is split between District 70 and 71. District 69 is 55.2% BVAP, District 70 is 56.4% BVAP, and District 71 is 55.3% BVAP.

62. VTD 505 is 15% BVAP. Under the Benchmark Map it was entirely in District 71. Under the Enacted Map, splitting this VTD was necessary to achieve the BVAP threshold in both Districts 69 and 71. Holding all else constant, if all of VTD 505 were allocated to District 69, BVAP in District 69 would drop to 54.4%. Likewise, if all of VTD 505 were allocated to District 71, BVAP in District 71 would drop to 54.5%. In short, including all of the VTD in either district would have added too many white voters to satisfy the 55% BVAP threshold.

63. VTD 703 is 89.9% BVAP. Under the Benchmark Map it was entirely in District 70. Under the Enacted Map, it is divided between Districts 70 and 71. Splitting this VTD was necessary to achieve the BVAP threshold in District 71. Holding all else constant, if all of Precinct 703 were returned to District 70, then BVAP in District 71 would drop to 54.9%.

64. There is one VTD split between challenged districts in the City of Norfolk (see Table 7). The Brambleton VTD is split between District 89 (which has a BVAP of 55.5%) and District 90 (which has a BVAP of 56.6%). Under the Benchmark Map, this VTD was entirely in District 90. The Brambleton VTD is

96% BVAP, and contains 4,071 people. Splitting this precinct was necessary to achieve the BVAP threshold in District 89. Holding all else constant, if all of Brambleton VTD were returned to District 90, then BVAP in District 89 would drop to 54.7%. 65. Based on my analysis, split VTDs between any two challenged districts served to distribute black and white voters across both districts so that both of them could satisfy the 55% BVAP threshold.

V.B Splits of Municipality and Census Designated Places

66. Respecting municipal boundaries is a traditional redistricting principal.

67. In an analysis that was unchallenged by any other expert, Dr. Ansolabehere examined the divisions of counties and independent cities between the Benchmark and Enacted Maps (Ansolabehere ¶52, Table 3).

68. In this section I extend Dr. Ansolabehere's analysis to examine the division of census places in the challenged districts under the Enacted Map and how these places were divided by race.

69. Census places are a range of entities that include incorporated places (such as cites or towns) and census designated places, which are places that are identifiable by name.[9] There are four types of census places that are relevant to this case:[10]

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[9] https://www.census.gov/geo/reference/gtc/gtc_place.html

[10] Definitions below from the U.S. Census Bureau, https://www.census.gov/geo/reference/ class.html. There are many other types of census places, but they are either not present in Virginia or not split in the challenged districts.

1. C1: Incorporated Towns. "An active incorporated place that does not serve as a county subdivision equivalent." Example: Town of Kenbridge in Lunenberg County.
2. C7: Incorporated Cities. "An incorporated place that is independent of any county." Example: City of Richmond.
3. M2: Military Bases. "A military or other defense installation entirely within a place." Example: Fort Lee.
4. U1: Unincorporated Places. "A census designated place with an official federally recognized name." Example: Lakeside in Henrico County.

70. To analyze the division of smaller census places (towns, unincorporated places, and military bases), I used GIS analysis to match census blocks to census places.[11] To analyze splits of cities, I used the locality defined in the Virginia redistricting data[12] Below, I examine all of the census places that are split with at least one challenged district.[13]

71. There are 25 census places (ten cities, four towns, one military base, and ten unincorporated

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[11] A small number of census blocks (6 in the split geographies discussed below, totaling 58 people) are split across two census places; I exclude these blocks from the analysis.

[12] For example, all of the census blocks assigned to the city of Richmond are given the locality "Richmond" in the data provided by the state. This information is not provided for smaller census places, however, necessitating the GIS matching.

[13] I ignore any census place splits where part of the split has zero population.

places) that are divided between challenged and non-challenged districts.

72. The larger cities in the challenged districts are divided across multiple districts. Most of these cities, such as Virginia Beach, Norfolk, or Richmond, must necessarily be split across districts because their populations are too large to fit into a single district. While these splits are necessary, there are many different ways that they can be divided. Across the four regions, there are 10 cities split between one or more challenged districts and one or more non-challenged districts. In all ten cities, every area of a city assigned to a challenged district has a higher BVAP than every area of that city assigned to a non-challenged district. There is not a single case of a city split where a non-challenged district gets a higher BVAP area of a city than a challenged district.

73. The same pattern is seen in splits of unincorporated places: across all ten places, the areas allocated to challenged districts have significantly higher BVAP than the areas in non-challenged districts.[14]

Place Splits in the Dinwiddie-Greenville Area

74. Table 8 lists the incorporated places (Class C1) split between challenged and non-challenged districts. All four of these splits divide towns between District 75 and Districts 61 or 64. In all four cases, the towns are split such that the areas with higher BVAP are assigned to District 75, and the areas with lower BVAP are assigned to Districts 61 or 64. Figure 8

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[14] The only exception to this pattern is the seven people in Sandston CDP allocated to district 70.

maps these towns and illustrates how they are divided by race.

75. There are two split cities in the Dinwiddie-Greenville area, Franklin and Hopewell (Table 9). Franklin is split between districts 75 and 64. The area of the city assigned to district 75 has a BVAP that is more than four times higher than the area assigned to district 64. Hopewell is split between districts 63 and 62. The area assigned to district 63 has a BVAP that is more than three times higher than the area in district 62. Franklin has a total population of 8,582, and Hopewell a total population of 22,591. Given that the target of a House district is 80,010, it was not necessary to split either city for the purposes of achieving equal population. Figure 9 maps the division of these cities.

76. There is one split military base, Fort Lee in Prince George County, which is split between districts 63 and 62, such that the portion of the base in District 63 has a BVAP that is 1.3 times higher than the portion of the base assigned to District 62 (Table 10). Figure 10 maps the division of Fort Lee by race.

77. There are three unincorporated places that are split between challenged and nonchallenged districts in the Dinwiddie-Greenville area (Table 11). In all three places, the areas allocated to challenged districts have significantly higher BVAP than the areas in non-challenged districts. Figure 11 maps these divisions by race.

Place Splits in the Richmond Area

78. The City of Richmond is divided between challenged districts 69, 70, 71, and 74, and non-challenged District 68 (Table 12). Overall, the portions

of Richmond in the challenged districts have a collective BVAP of 56.2% compared to a BVAP of 6.8% in the portion assigned to the non-challenged districts. Figure 12 maps the division of the City of Richmond.

79. There are seven unincorporated places that are split between challenged and non-challenged districts in the Richmond area (Table 13). In all seven places, the areas allocated to challenged districts have significantly higher BVAP than the areas in non-challenged districts.[15]

Place Splits in South Hampton Roads

80. There are five cities in South Hampton Roads split between challenged and non-challenged districts (Table 14). All five cities are split such that the portions in challenged districts universally have substantially higher BVAP than the portions in non-challenged districts. Overall, the areas of these five cities in challenged districts have BVAP of 56.8% compared to BVAP of 20.0% in the portions of the five cities assigned to the non-challenged districts.

Place Splits in North Hampton Roads

81. There are two cities in North Hampton Roads split between challenged and non-challenged districts (Table 15). Both cities are split such that the portions in challenged districts universally have substantially higher BVAP than the portions in non-challenged districts. Overall, the areas of these two cities in challenged districts have BVAP of 60.4% compared to BVAP of 26.1% in the portions of the five cities assigned to the non-challenged districts. The division

[15] The only exception to this pattern is the seven people in Sandston CDP allocated to district 70.

of the City of Hampton is especially noteworthy; 82% of the BVAP is allocated to Districts 92 and 95. Figure 13 maps the division of the City of Hampton

82. The tables and figures in this section make clear that race predominated over the principle of keeping political subdivisions whole. Cities, towns, unincorporated places, and even a military base were all divided according to race.

VI. Population Shifts

83. Dr. Ansolabehere analyzed population flows between districts and concluded that there were racial differences in the areas moved into and out of the challenged districts. In this section, I extend Dr. Ansolabehere's analysis by illustrating the population flows between districts and analyzing the aggregate racial effects of these population movements.

84. Table 16 lists the districts that transferred population to a challenged district under the HB 5005. With the exception of District 100, discussed below, the 15 other non-challenged districts that transferred population to challenged districts all transferred portions of the district that had a higher BVAP than the district as a whole.

85. Table 17 lists the challenged districts that transferred population to a nonchallenged district under HB 5005, and the population and BVAP of the areas moved out of the district and into non-challenged districts. All nine challenged districts that transferred population to a non-challenged district transferred portions of the district that had a lower BVAP than the district as a whole.

Population Shifts in the Dinwiddie-Greensville Area

86. As depicted in Figure 14, five non-challenged districts transferred population to challenged districts in the Dinwiddie-Greensville area. In all five cases, the areas sent to the challenged districts had higher BVAP than the areas that were not moved.

Population Shifts in the Richmond Area

87. The population shifts in the Richmond area are complex. Each challenged district exchanged populations with five to seven other districts. Figure 15 shows all of the population flows for the full area.

88. Three non-challenged districts transferred population to challenged districts in the Richmond area. In all three cases, the areas sent to the challenged districts had higher BVAP than than the areas that were not moved.

89. Three challenged districts transferred population to non-challenged districts in the Richmond area. In all three cases, the areas sent to the non-challenged districts had lower BVAP than the areas that were not moved.

90. Under the Benchmark Map, District 70 has a population of 79,380 and a BVAP of 61.8%. It did not require any changes to its composition to be sufficiently close to population equality or reach the targeted BVAP of 55%. Despite this, District 70 was substantially reconfigured.

91. The population transfer between District 68 and District 71 is particularly noteworthy: roughly equal-sized populations were moved from 68 to 71 and from 71 to 68, but with a 10% difference in BVAP

between the two groups. This change was not necessary for population equality, but was necessary to increase the BVAP of District 71 above 55%. Without this change, District 71 would have had a BVAP of 54.8%. After this change, District 71 had a BVAP of 55.3%.

Population Shifts in South Hampton Roads

92. As in the Richmond area, the population shifts in South Hampton Roads are complex. Figure 16 shows all of the population flows for the full area.

93. Six non-challenged districts transferred population to challenged districts in the South Hampton Roads. In five of the six cases, the areas sent to the challenged districts had higher BVAP than the areas that were not moved. The only exception to this pattern is District 100, which transferred 628 people with 10.1% BVAP to District 89, and received 3,593 people with 22.9% BVAP from District 89. District 100 was uniquely limited in its possible population swaps to achieve population equality due to its position in the Eastern Shore.

94. Four challenged districts transferred population to non-challenged districts in South Hampton Roads. In all four cases, the areas sent to the non-challenged districts had lower BVAP than the areas that were not moved.

Population Shifts in North Hampton Roads

95. Three non-challenged districts transferred population to challenged districts in North Hampton Roads. In all three cases, the areas sent to the challenged districts had a higher BVAP than the areas that were not moved.

96. One challenged district transferred population to a non-challenged district in North Hampton Roads. The area sent to the non-challenged district had a lower BVAP than the area that were not moved.

VI.A Net Effects of Population Shifts

97. The preceding sections illustrated population shifts across challenged and nonchallenged districts and between challenged districts. Here, I examine the aggregate effects of all of these shifts at the district level.

98. For every district involved in a population shift with a challenged district, I calculate four quantities. Comparisons of these quantities can help us identify racial patterns in moving populations.

1. The percentage of the total population moved out the district.
2. The percentage of the Black Voting Age Population moved out of the district (BVAP).
3. The percentage of the White Voting Age Population moved out of the district (WVAP).
4. The percentage of Democratic voters moved out of the district.[16]

99. 16 non-challenged districts sent population to challenged districts under the Enacted Map. Table 18 lists these districts and the rates of population

[16] Democratic vote share is calculated as the average of the Democratic share of the two-party vote in the 2008 presidential and the 2009 gubernatorial elections.

movement from each district to any challenged district.

100. Across 15 of the 16 districts (all except District 100), the rate at which the Black voting age population was moved out of the districts and into challenged districts exceeded the rate at which the population of the district as a whole was moved. Similarly, Black voters were moved out of the districts and into challenged districts at higher rates than White voters. Finally, Black voters were moved out of the districts and into challenged districts at a higher rate than Democratic voters.

101. For example, consider Benchmark District 94. District 94 moved 10.7% of its total population into District 95. District 94 moved 24.5% of its BVAP into District 95, more than double the rate of the general population, but only 3.6% of its WVAP. Thus, Blacks were nearly seven times more likely to be moved into District 95 than Whites. Finally, District 94 moved 12.2% of its Democratic voters into District 95. In other words, Blacks were twice as likely to be moved into District 95 than were Democrats.

102. The only exception to this pattern is in District 100, where 0.9% of the total population (628 people) under the Benchmark Map was moved to District 89. Unlike the other districts discussed above, Benchmark District 100 was uniquely constrained in how it could transfer population because it was located in the Eastern Shore.

103. The shifts from challenged to non-challenged districts, meanwhile, reflect a starkly different pattern. Table 19 shows the same quantities as above for the 11 challenged districts that transferred

population to non-challenged districts. (District 95 did not transfer any population to a non-challenged district.)

104. Across all eleven districts, the rates at which Blacks are transferred out of the challenged districts are lower than the rates at which population as whole are transferred out. Whites are much more likely to be transferred out than Blacks. Similarly, Democrats are more likely to be transferred out of the challenged districts to nonchallenged districts than Blacks. The effects of these transfers is that Blacks are retained in the challenged districts at higher rates than either Whites or Democrats.

105. For example, consider Benchmark District 80. District 80 sent 14,057 people to District 79. 19.9% of the total population was moved out of District 80 to District 79, but only 11.5% of the Black VAP was moved out. 33.2% of Whites were moved out of the district, roughly three times the rate of Blacks. 17.2% of Democrats were moved out of the district, 1.5 times the rate of Blacks.

106. Figure 18 illustrates these patterns. The left two graphs plot the percentage of BVAP moved out of non-challenged districts to challenged districts, against WVAP moved out (top) and Democrats moved out (bottom). Each point represents one district. With the exception of the bottom leftmost point, District 100, all of the points fall above the blue line representing an equal relationship between the two variables. This illustrates that Blacks are moved out of these districts at higher rates than Whites (top) or Democrats (bottom). The right two graphs plot the same measures, but for populations moved out of

challenged districts into non-challenged districts. Here, all the points fall below the blue line, showing that Whites and Democrats are moved out of challenged districts at higher rates than Blacks.

VII. Race vs. Party Analysis

107. Dr. Ansolabehere (at ¶79–94, ¶104–129, Tables 6, 7, 8, 9, 10, 11 and 12) presented seven different analyses demonstrating that race, not party, was the predominant factor in the drawing of the boundaries of the challenged districts. Only one such analysis, using multiple regression, was disputed by Dr. Katz (Katz 4.3). All other analyses of race vs. party predominance in Dr. Ansolabehere's report were undisputed.

108. In this section I use statistical models to measure and compare the effects of race and party on the assignment of VTDs to challenged districts. I show that Dr. Katz's multiple regression analysis is flawed and that, upon correcting the error, produces the same conclusions as Dr. Ansolabehere's analysis.

109. Dr. Ansolabehere (¶115–122; Tables 11–12) and Dr. Katz (pp.19–20; Table 1) both use multiple regression analysis to measure the effects of race and party on VTD assignments using a statewide analysis that includes every VTD in Virginia. Both experts estimate the probability that a VTD is assigned to a challenged district as a function of the VTD's BVAP and Democratic vote share, using a statewide model that includes every VTD in the state.

110. Both Dr. Ansolabehere and Dr. Katz estimate a linear probability model (ordinary least squares).[17]

111. Dr. Ansolabehere and Dr. Katz measure Democratic vote share slightly differently. Dr. Ansolabehere estimates his models with three different measures of Democratic vote share: the average Democratic vote share across the 2008 presidential, 2012 presidential, and 2012 U.S. Senate elections; the 2008 presidential election alone; and the 2013 gubernatorial election alone. All three variables produce similar results. Dr. Katz estimates his models using the average of the Democratic vote share in the 2008 presidential and 2009 gubernatorial elections.[18]

112. Both experts include a variable indicating whether the VTD was in a challenged district under the Benchmark Plan.

113. Dr. Ansolabehere weights each observation by the VTD's population. Dr. Katz does not weight observations in his analysis.

114. Dr. Katz claims that the Ansolabehere model is "fundamentally misspecified" for neglecting to control for the distance between the VTD and the challenged district. Since VTDs that are farther away from a benchmark challenged district are less likely to be included in the enacted challenged district, Dr.

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[17] Dr. Katz criticized the use of ordinary least squares in his analysis of racial polarization because such a model could produce probability estimates that were below zero or above one. The model used here by both Dr. Ansolabehere and Dr. Katz has the same feature, but here Dr. Katz does not raise this objection.

[18] Dr. Katz criticized use of statewide or federal elections in his analysis of racial polarization. In this part of his report, however, he uses statewide elections without comment.

Katz measures the distance from the centroid (geographical center) of each VTD to the centroid of each benchmark challenged district. He adds twelve variables to his models, measuring the distance from each VTD to each challenged district.

115. Dr. Ansolabehere finds that race had a much larger effect on the assignment to a challenged district than Democratic vote. Dr. Katz, with the addition of distance variables, finds that the effects are both small and nearly equal.

116. For simplicity in comparing results across models, I use Dr. Katz's data for the following analysis, including his measurement of distance between VTDs and challenged districts and his measure of average Democratic vote. All differences between Dr. Katz's model and the other models I discuss below are due to differences in the models, not discrepancies in data or measurement of variables.

117. I begin by replicating the Ansolabehere model using the Katz data (Table 20, Model 1). The results are slightly different than those reported by Dr. Ansolabehere (Ansolabehere Table 12, column 2), due to differences in the sample and the measurement of average Democratic vote share. However, the coefficients are very similar and the interpretation is the same: Race, not party, is the predominant factor in the assignment of VTDs to challenged districts.

118. The second column of Table 20 replicates Dr. Katz's model (Table 1, Specification 1) exactly.

119. While the variables (with the exception of controls for distance) are exactly the same in both models, there is a critical difference between Dr. Ansolabehere's model and Dr. Katz's model: the

weighting of observations. Dr. Ansolabehere weights each VTD by its total population, while Dr. Katz neglects to do so. This is an important difference. VTDs in the sample range in population from 3 to 23,502 people with a median of 2,996 people. In the Ansolabehere model, a VTD with a population of 5,000 people is 100 times more important to the estimate of the result than a VTD with 50 people. In the Katz model these two VTDs are equally important. When drawing district lines, the assignment of a VTD with 5,000 people is more consequential than the assignment of a VTD with 50 people. Weighting each VTD by its population recognizes this important fact. Without weights, Dr. Katz's model is missing an inportant component.

120. When population weights are added to Dr. Katz's model, the results are drastically different. Model 3 in Table 20 presents the results. The coefficients are very similar to those in the Ansolabehere model (Model 1), and the interpretation of both models is the same. When observations are properly weighted, Dr. Katz's twelve distance control variables do not have a meaningful effect on the model results. The coefficient on BVAP is twice as large as in the unweighted model, and substantially similar to Dr. Ansolabehere's estimate. The coefficient on Democratic vote share is less than half the size as in the unweighted model, and not statistically significant. The difference between the effect of BVAP and the effect of Democratic vote share on assignment to a challenged district is large and statistically significant. The conclusion from this model is that race, not party, is the predominant factor in the assignment of VTDs to challenged districts.

121. A second problem with Dr. Katz's model is that he simultaneously controls for the distance of each VTD to all twelve challenged districts. This produces illogical estimates for the effect of distance in the results. Table 21 includes the coefficients from each of the twelve distance measures that Dr. Katz includes in his benchmark model.[19] We should expect that the relationship between assignment to a challenged district and distance from that district to be negative; the farther away a VTD is from a district, the less likely it should be that it is assigned to it (Katz p.19). In the results from Dr. Katz's baseline model, some of the coefficients on distance are strongly negative, as expected, but others, such as the coefficients on distance from districts 63, 69, 90, 77, 92, 71, and 74, are positive and statistically significant. The model predicts that holding BVAP and Democratic vote share constant, VTDs that are far away from these districts are more likely to be assigned to a challenged district than VTDs that are close to them. This confusing result stems from the inclusion of all twelve distance measures in the model.

122. To address this problem, I use an alternate measure of distance: the distance from each VTD to the nearest challenged district.[20] Model 4 in Table 20 presents the results (unweighted). The results are significantly closer to the Ansolabehere model than to Dr. Katz's benchmark model, and the difference

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[19] Dr. Katz omits the coefficients on the distance from each district variables in his report (Table 1). I include these coefficients here by exactly replicating Dr. Katz's analysis.

[20] This is simply the minimum of Dr. Katz's twelve distance measures.

between the effect of BVAP and Democratic vote share is large and statistically significant. Additionally, the coefficient on "Distance to Closest Challenged District" is negative and statistically significant. Holding everything else equal, the farther away a VTD is from its closest challenged district, the less likely it is to be assigned to a challenged district. This is the logical result we should expect from a variable measuring distance.[21]

123. Model 5 in Table 20 addresses both the weighting problem and the distance measurement problem by using the "Distance to Closest Challenged District" measure and weighting each VTD by its total population. The results of this model are extremely close to the Ansolabehere model. The results show that the effect of race is much larger than that of party in the assignment of VTDs to challenged districts. While the effect of race is large and statistically significant, there is no substantive effect of Democratic vote share on the assignment of a VTD to a challenged district.

124. In short, the difference between Dr. Katz's results and Dr. Ansolabehere's results is due to errors in Dr. Katz's model. When these errors are corrected,

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[21] I also considered other alternative measures of distance, such as the the inverse of the distance to the closest challenged district. The results of these models are similar to the results in Models 5 (unweighted) and 6 (weighted). Another alternative approach to this problem is to drop some of the distance variables for districts that are very close together. If for example, we only control for distance from District 63, 70, 80, and 92 (one for each cluster of challenged districts), the effect of race is positive, statistically significant, and significantly larger than the effect of party in both weighted and unweighted models.

Dr. Katz's results, including measures of the distance between VTDs and challenged districts, are similar to the Ansolabehere model.

125. When the Dr. Katz's model is corrected, the results and conclusions match those of Dr. Ansolabehere. BVAP has a much larger effect on assignment to a challenged district than Democratic vote share. Race predominates over party in the assignment of VTDs to challenged districts.

VIII. Evaluating the 55% BVAP Threshold

126. Under HB 5005, every challenged district has a BVAP of 55% or greater. In this section, I analyze the necessity of such a threshold for the creation of districts where African-American voters are able to elect their candidates of choice.

127. Table 22 lists the populations, BVAP, and Democratic vote share of each challenged district, under the Benchmark Map and under HB 5005. With the exception of District 74, which was overpopulated by 143 people, and District 70, which was underpopulated by 630 people, all of the districts required additional population under the new map.

128. Under the Benchmark Map, every district except for Districts 71, 80, and 89 was at least 55% BVAP.

129. Every challenged district was majority Democratic in recent elections at the time of the redistricting.[22] The most competitive district was

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[22] Democratic vote share is calculated as the average of the Democratic share of the two-party vote in the 2008 presidential and the 2009 gubernatorial elections.

District 75, which averaged 56% Democratic vote under the Benchmark Map. In all other Districts, Democrats won with at least 62% of the two-party vote.

130. I use ecological inference on statewide election results in each challenged district to determine the candidates of choice of African-American and White voters, and the level of support for candidates of each party of each racial group.

131. Dr. Ansolabehere uses the Ecological Regression (ER) method to estimate racial voting patterns. Dr. Katz uses the Ecological Inference (EI) method. Both methods seek to answer the same question: given that we only observe election results in aggregate, at the precinct level, and that we do not observe individual vote choice, how do we estimate differences in vote choices across race? If we could observe the actual votes and race of each voter, such a problem would be trivial. Without such data, these methods seek to identify a relationship between the racial makeup of precincts and election results in those precincts.

132. Both ecological regression and ecological inference are common methodological techniques used in redistricting cases to estimate racial voting patterns. The Court expressed a preference for ecological inference over ecological regression in its memorandum opinion. Accordingly, I use ecological inference here.

133. Statewide elections allow for analysis across all of the challenged districts. Dr. Katz restricts his ecological inference analysis to the seven challenged districts that had contested races for House of

Delegates between 2007 and 2013. Such a restriction makes it impossible to evaluate racial voting patterns in the other districts and excludes the majority of information we have about voting behavior in the challenged districts. While we are ultimately interested in voting patterns in House of Delegates elections, statewide elections serve as a useful proxy.

134. Statewide elections are highly correlated with House of Delegates elections. Figure 19 illustrates the relationship between the average Democratic vote share in the 2008 presidential and 2009 gubernatorial elections and the average Democratic vote share in House of Delegates elections, for the seven districts with contested House of Delegates elections between 2007 and 2013. Each district is graphed separately. On each graph, each dot represents a precinct in the enacted version of the district. The strong positive correlation between average statewide elections vote and average House of Delegates elections vote is illustrated by the pattern of the dots and the red line: a precinct's Democratic vote share in statewide elections increases with that precinct's Democratic vote share in House of Delegates elections.

135. I estimate ecological inference models for each of the challenged districts under the Enacted Map using results from the 2008 presidential election, the 2009 gubernatorial elections, and the average results of these two elections. For each election, I calculate the two-party vote share for each party, and estimate support for each party by Blacks, Whites, and all other groups combined using the HB 5005

district boundaries. Figures 20, 21, and 22 and Table 23 presents the results of this analysis.

136. Across all twelve districts, African-Americans vote cohesively for the Democratic candidate. The average level of African-American support for the Democratic candidate across the twelve districts is 95%, based on the model estimated using the average of the two elections. From these analysis, it is clear that Democratic candidates are the African-American candidates of choice.

137. The ecological inference models show significantly different levels of support for Democratic candidates from White voters. White support for Democrats ranges from 16% in District 75 to 70% in District 71, and averages 40% using the average of the two elections. District 71, had the lowest BVAP of the challenged districts under the Benchmark Map at 46.3% (and was the only challenged district without a majority BVAP), but had a large Democratic majority that included high levels of Democratic support among White voters.

138. Overall, Table 22 shows that the African-American preferred candidates were winning by large margins in all of the challenged districts *except* District 75. Adding additional African-American population to these districts was not necessary to preserve safe electoral margins for African-American preferred candidates. If all of the population needed in each underpopulated district were made up with White voters who unanimously voted against the African-American preferred candidates, the African-American preferred candidates would still win by

large margins in every district except District 75 (see Table 24).

139. A second way to examine the necessity of the 55% BVAP threshold in the challenged districts is to use the ecological inference results to estimate the Democratic vote share (the vote share of the African-American preferred candidate) at different levels of BVAP. I calculate this using the ecological inference estimates from the average of the 2008 presidential and 2009 gubernatorial elections. Holding the Other voting age population (OVAP) constant, I calculate the White voting age population (WVAP) as a function of different levels of BVAP. I multiply each population share by the group's coefficient from the ecological inference model to find the vote shares for each party.

140. For example, consider the Democratic vote share in District 89, which was 52.5% BVAP under the Benchmark Map and increased to 55.5% BVAP under HB 5005. The average of the EI estimates is that 94.6% of African American voters supported the Democratic candidate, 53.7% of White voters supported the Democratic candidate, and 59.1% of voters of other races supported the Democratic candidate. District 89 is 6% OVAP. Holding OVAP constant, if District 89 were 50% BVAP, it would be 44% WVAP. Multiplying the size of each racial group by their respective Democratic vote shares, we would expect Democratic candidates to win around 74% of the vote. If District 89 were 45% BVAP, 6% OVAP, and 49% WVAP, we would expect Democratic candidates to win around 72% of the vote.

141. Table 25 presents the results of this analysis for all of the challenged districts. All challenged

districts would elect the African-American candidate of choice at 55% or 50% BVAP. At 45% BVAP, all challenged districts would elect the African-American candidate of choice with the exception of District 75, where the lower average vote share at 45% BVAP is estimated at 50.4%, but the lower bound of the confidence interval is below 50%.[25]

142. These analyses show that, given the cohesiveness of African-Americans as a voting block and the lack of consistent polarization among White voters, 55% BVAP is not necessary for the African-American candidates of choice to win elections.

IX. Conclusions

143. Four different analyses demonstrate that race predominated in the drawing of the challenged districts. The results from examining (1) the division of VTDs, (2) the division of cities, towns, and places, (3) population flows between districts, and (4) the assignment of VTDs all provide substantial evidence of racial predominance.

144. VTDs were split in service of increasing BVAP in challenged districts relative to non-challenged districts and served to satisfy the 55% BVAP threshold in all challenged districts. 31 of the 32 VTDs that are divided between challenged and nonchallenged districts are split such that the area

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[25] This analysis is not intended to suggest that the BVAP of the challenged districts should have been 50% or 45%, nor is intended to establish the minimum BVAP required to allow African Americans the ability to elect their candidates of choice. It simply demonstrates that an individualized analysis of each of the challenged districts indicates that a 55% BVAP threshold is unwarranted in at least 11 of them.

assigned to the challenged district has a higher BVAP than the area assigned to the non-challenged district. VTDs cannot be divided on the basis of party or election results because such information is not available below the VTD level.

145. Splits of cities, towns, and other places reveal the same pattern: deviations from the traditional redistricting principle of preserving political communities were in service of concentrating Black voters in challenged districts.

146. Black voters were moved from non-challenged to challenged districts at a higher rate than White voters or Democratic voters. Conversely, Black voters were moved out of challenged districts to non-challenged districts at a lower rate than White voters or Democratic voters. These shifts in both directions demonstrate that race was the predominant factor in moving populations between districts.

147. Statistical models of the assignment of VTDs to challenged and non-challenged districts show that VTDs with higher BVAP were more likely to be assigned to challenged districts, and that political party does not have a significant effect. Differences in this analysis between Dr. Ansolabehere and Dr. Katz are due to problems with Dr. Katz's model. When these issues are corrected, all of the models show that race, not party, was a large and significant factor in VTD assignment.

148. The 55% BVAP threshold was not necessary to enable African-Americans to elect their candidates of choice. Two individualized analyses, which examine electoral performance of each district, both show that

even if the BVAP threshold made sense in District 75, it was not required in the remaining 11 districts.

Figure 1: Map of Belmont VTD in Henrico County, Split Between Districts 74 and 72

This figure maps the Belmont VTD in Henrico County, which is split between District 74 (57.2% BVAP) and District 72 (13.4% BVAP). Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. The division of the VTD is identified with the red line. The left part of the VTD, assigned to District 72, contains 1,239 people and is 6.1% BVAP. The right part of the VTD, assigned to District 74, contains 2,190 people and is 46.0%

BVAP. Unpopulated areas shaded in tan (land) or blue (water).

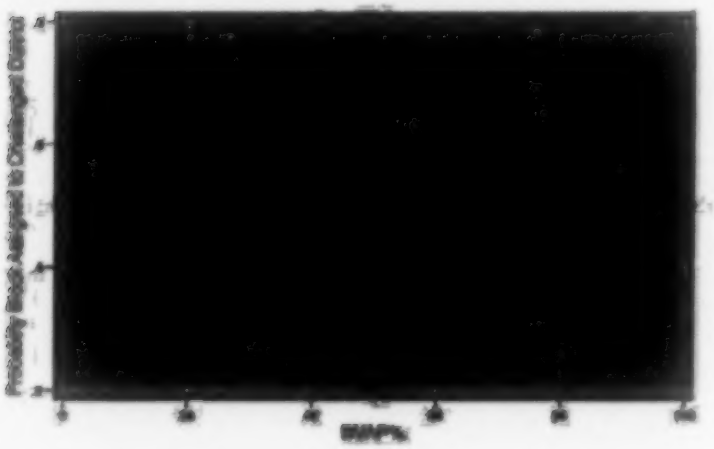

Figure 2: Probability that a Census Block in a Split VTD Is Assigned to a Challenged District, by BVAP

Each observation is a census block in a VTD split between a challenged and a nonchallenged district. Each circle represents a set of census blocks, grouped in 5% increments by BVAP. Circle size is proportional to the average population of the blocks in each group.

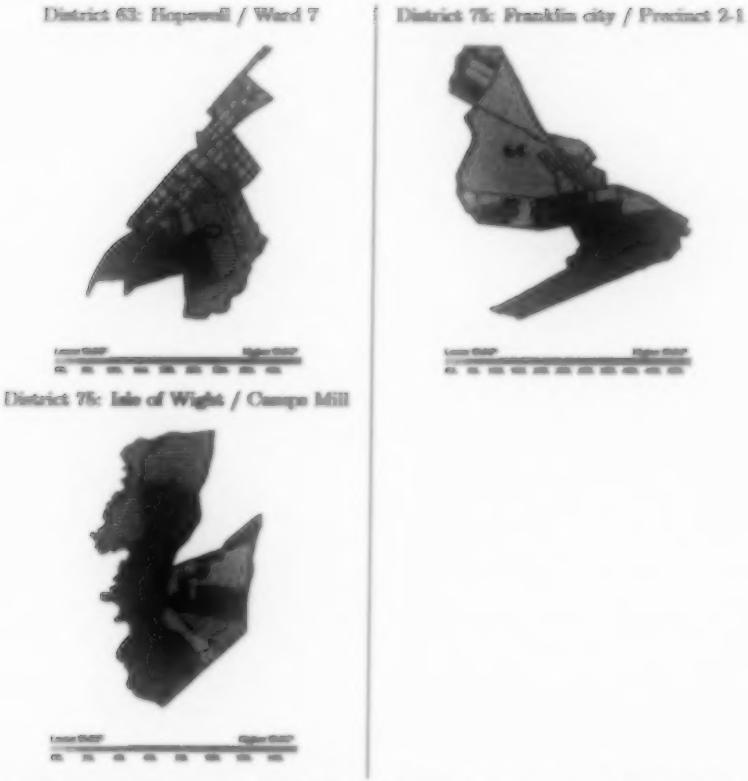

Figure 3: Maps of Split VTDs in the Dinwiddie-Greenville Area

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

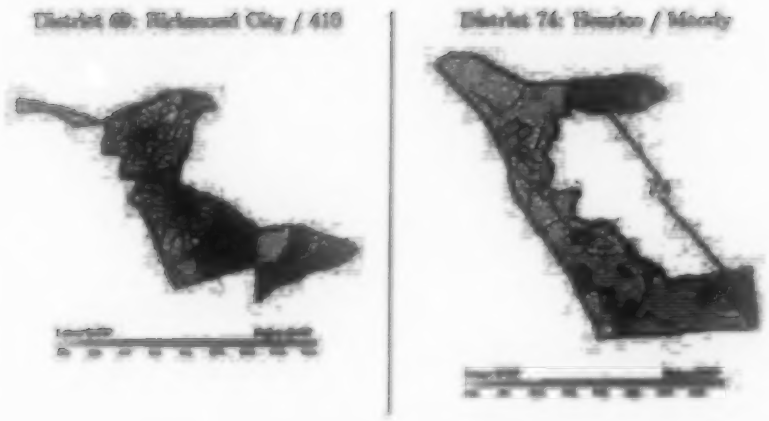

Figure 4: Maps of Split VTDs in the Richmond Area

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

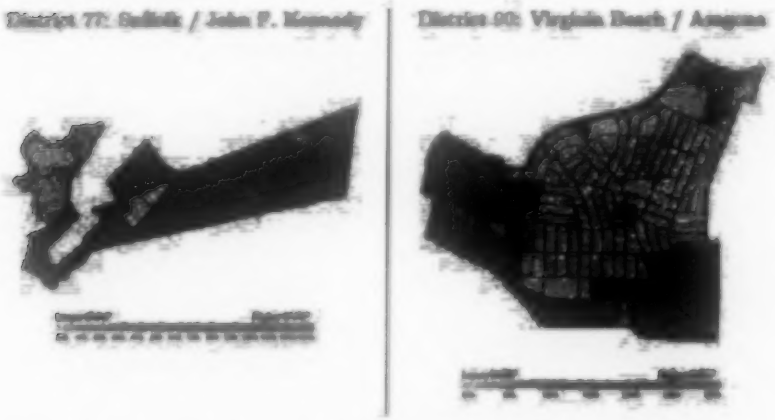

Figure 5: Maps of Split VTDs in South Hampton Roads

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in

the block. Unpopulated areas shaded in tan (land) or blue (water).

District 95: Newport News / Jenkins

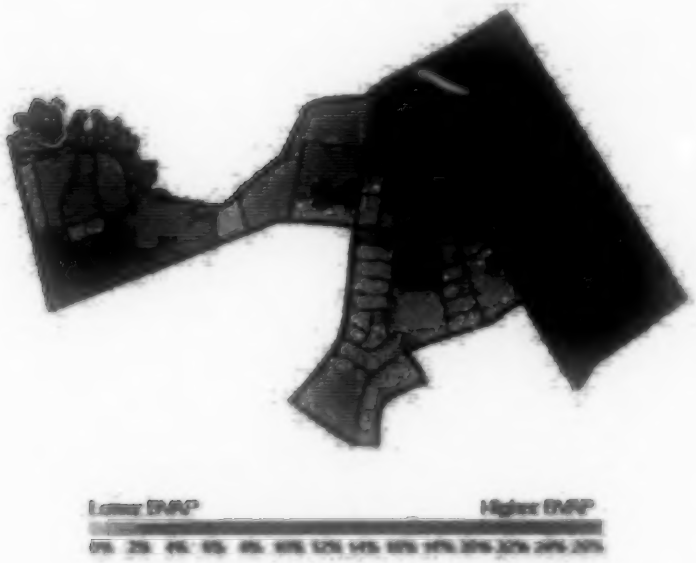

Figure 6: Map of Jenkins VTD in North Hampton Roads

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

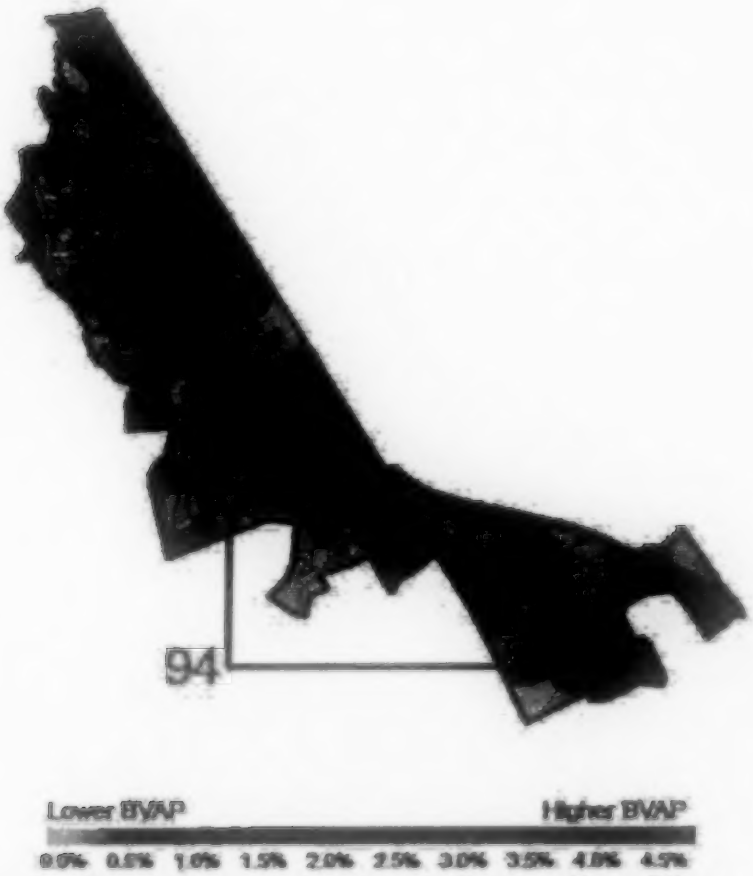

Figure 7: Split VTDs in District 95, Shaded by BVAP

Each census block is shaded based on the share of the Black Voting Age Population of the area residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

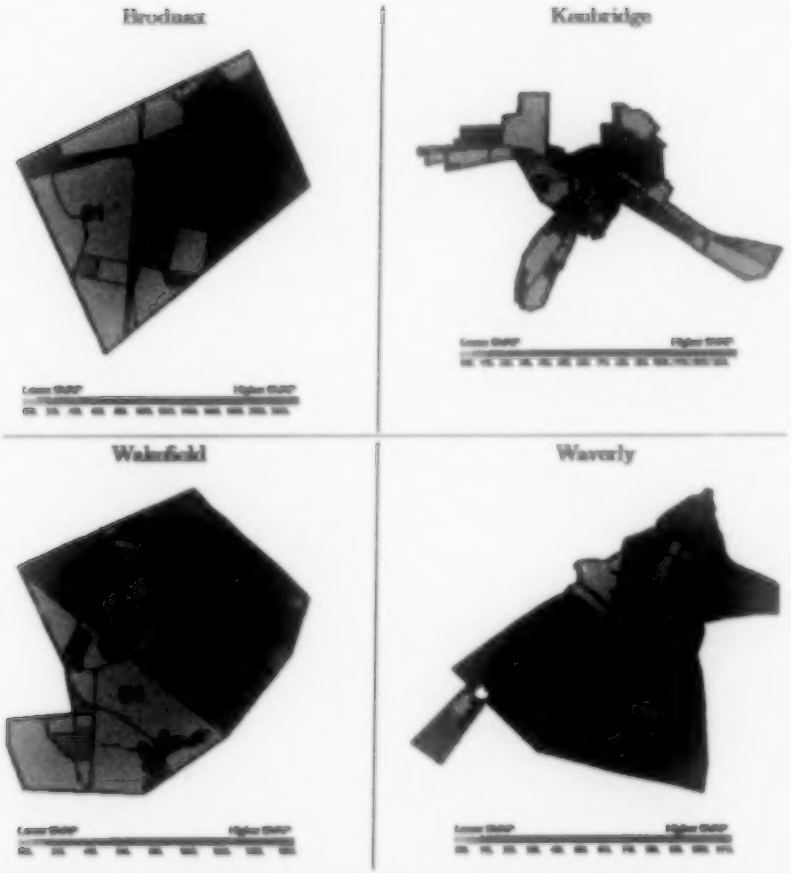

Figure 8: Divisions of Towns by BVAP in the Dinwiddie-Greenville Area

Each census block is shaded by the percentage of the town-wide BVAP residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

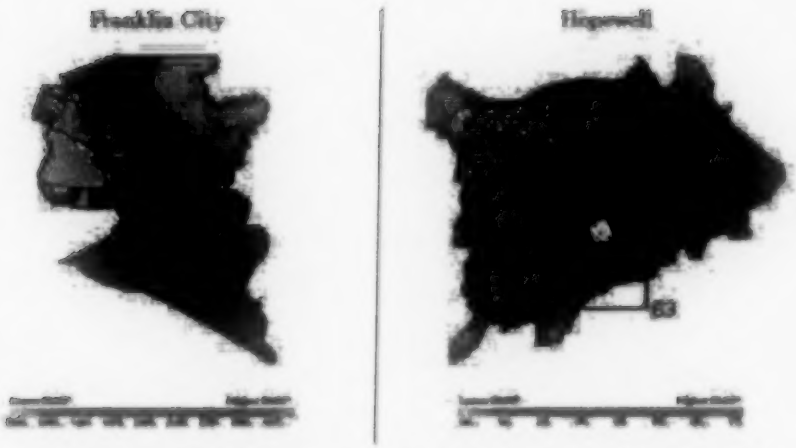

Figure 9: Divisions of Cities by BVAP in the Dinwiddie-Greenville Area

Each census block is shaded by the percentage of the city-wide BVAP residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

Figure 10: Division of Fort Lee by BVAP

Each census block is shaded by the percentage of the town-wide BVAP residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

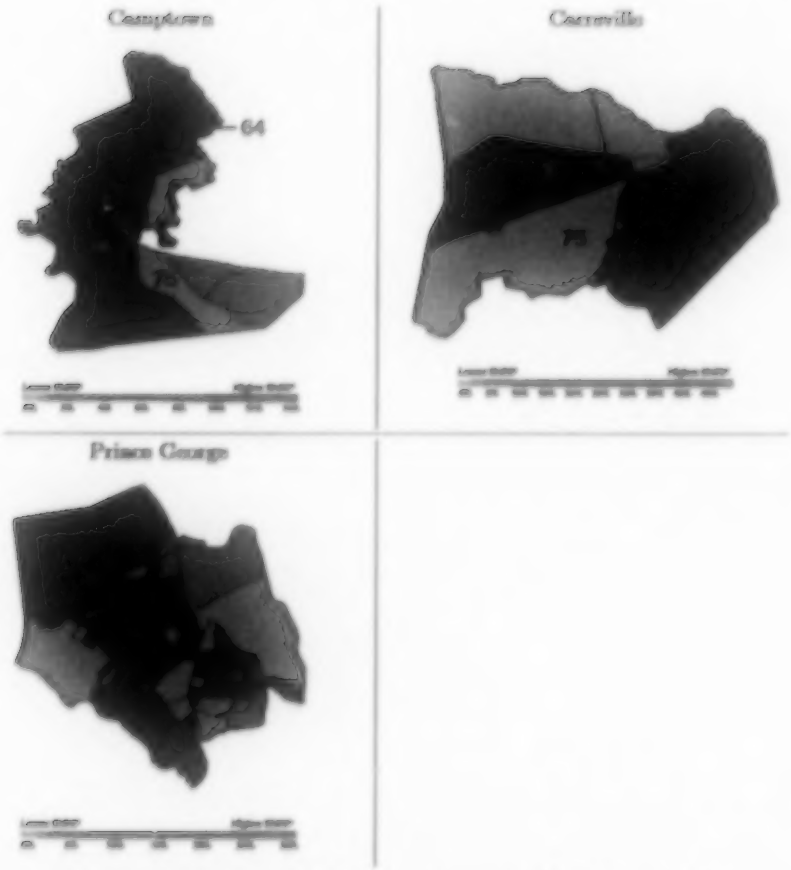

Figure 11: Divisions of Unincorporated Places by BVAP in the Dinwiddie-Greenville Area

Each census block is shaded by the percentage of the place-wide BVAP residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

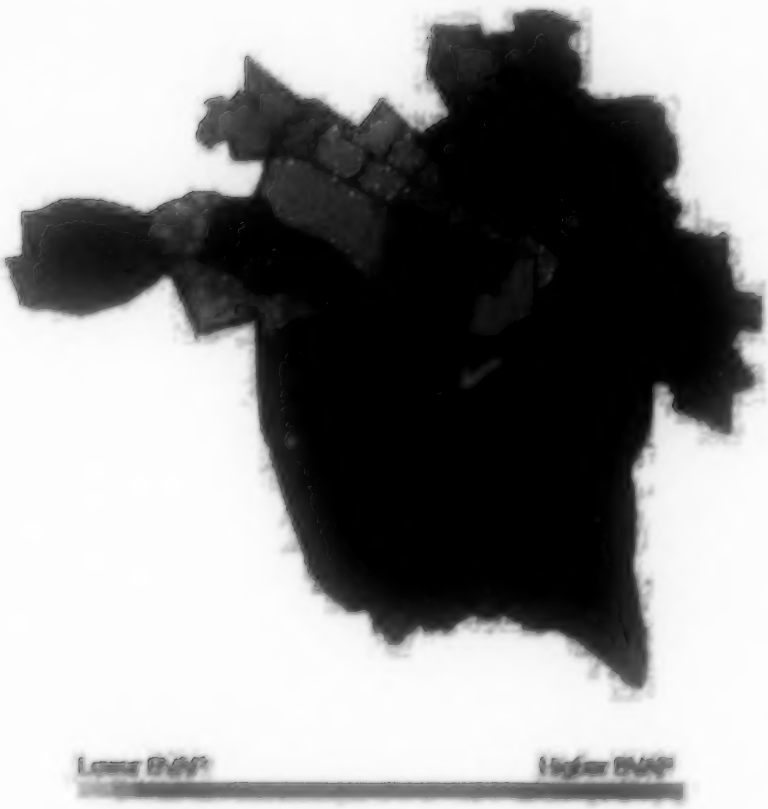

Figure 12: Division of Richmond City by BVAP

The red boundary encloses the portion of the city allocated to the challenged districts. The remaining portion is allocated to non-challenged districts. Each VTD is shaded by the percentage of the city-wide BVAP residing in the VTD.

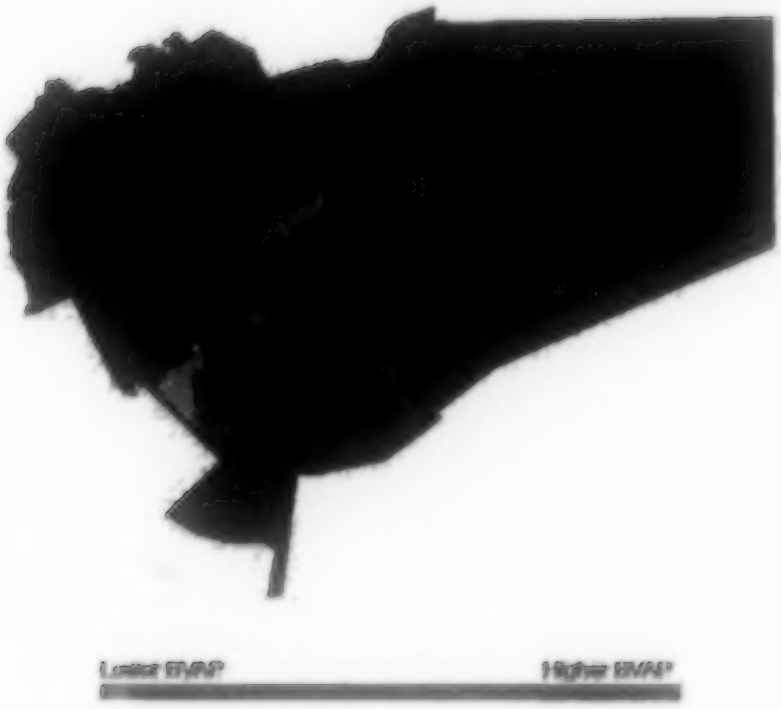

Figure 13: Division of Hampton City by BVAP.

The red boundary encloses the portion of the city allocated to the challenged districts. The remaining portion is allocated to non-challenged districts. Each VTD is shaded by the percentage of the city-wide BVAP residing in the VTD.

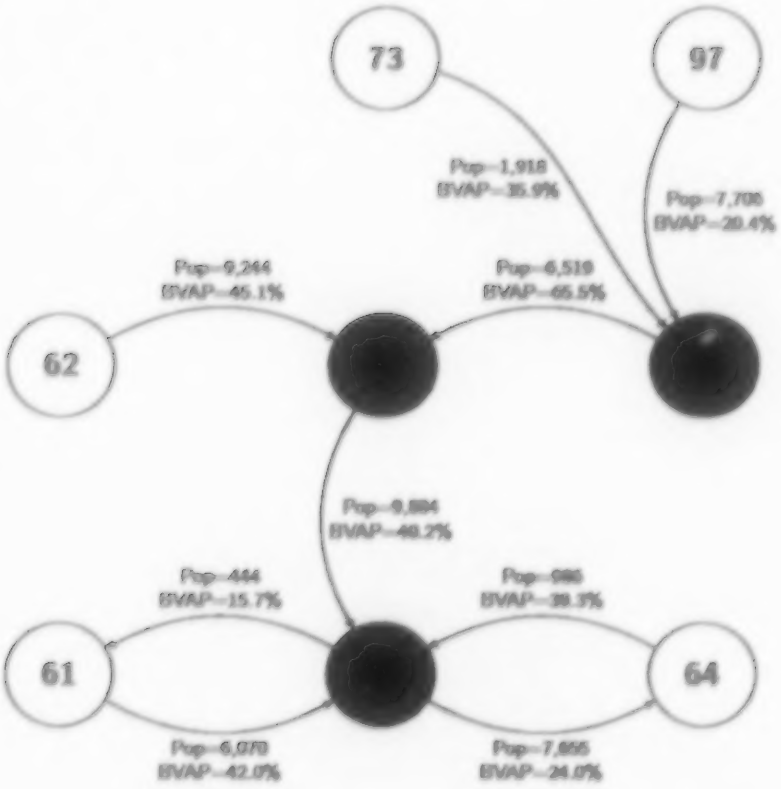

Figure 14: Dinwiddie-Greensville Area Population and BVAP Shifts

Shifts between non-challenged districts are omitted. A shift of 67 people from District to 74 to District 62 is also omitted.

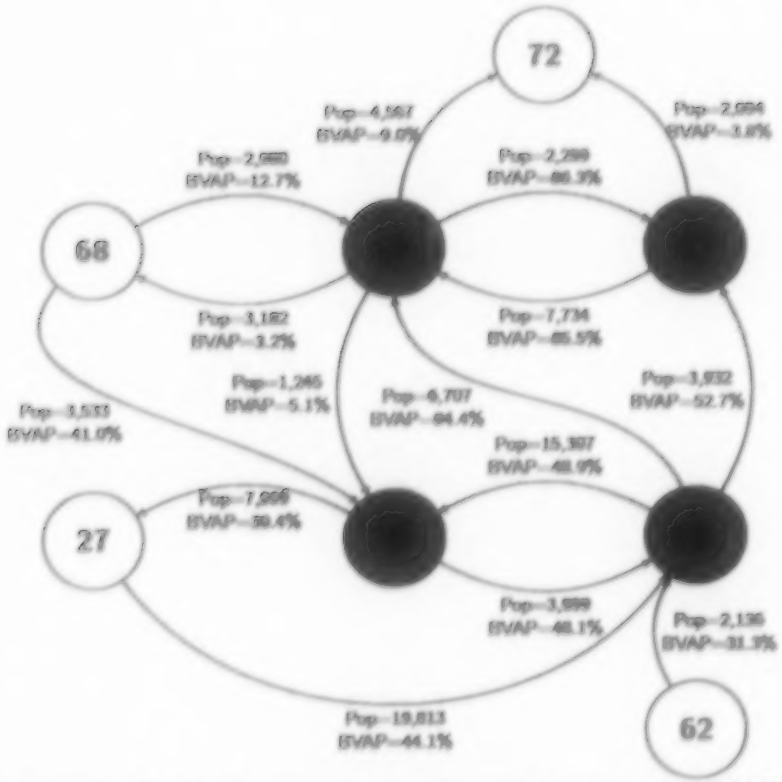

Figure 15: Richmond Area Population and BVAP Shifts

Shifts between non-challenged districts are omitted. Two populations transfers to District 74 are omitted (shown in Figure 14).

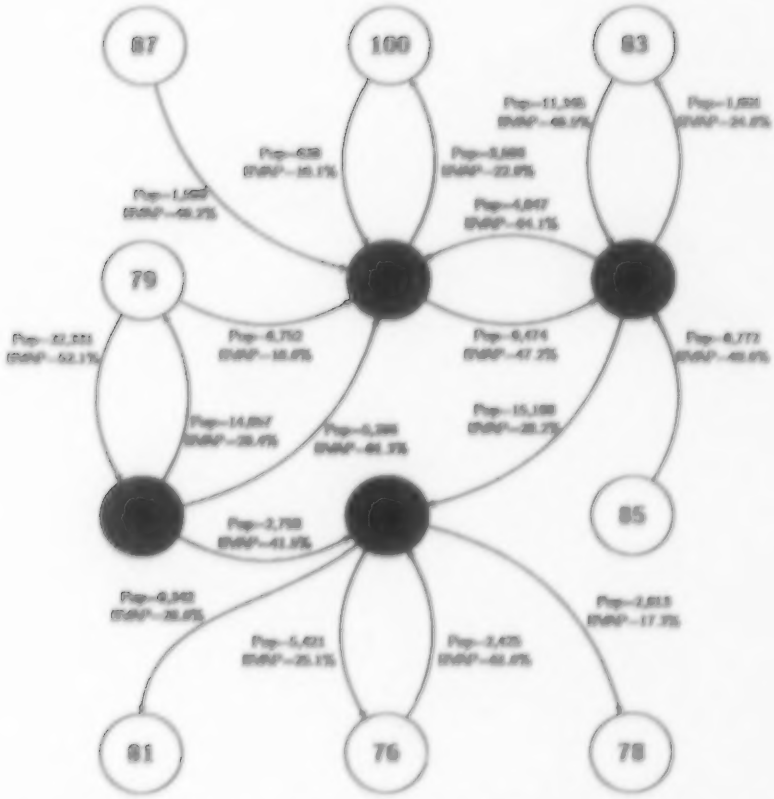

Figure 16: South Hampton Roads Population and BVAP Shifts

Shifts between non-challenged districts are omitted. District 87 omitted. A shift of 5 people from District 77 to District 64 is omitted.

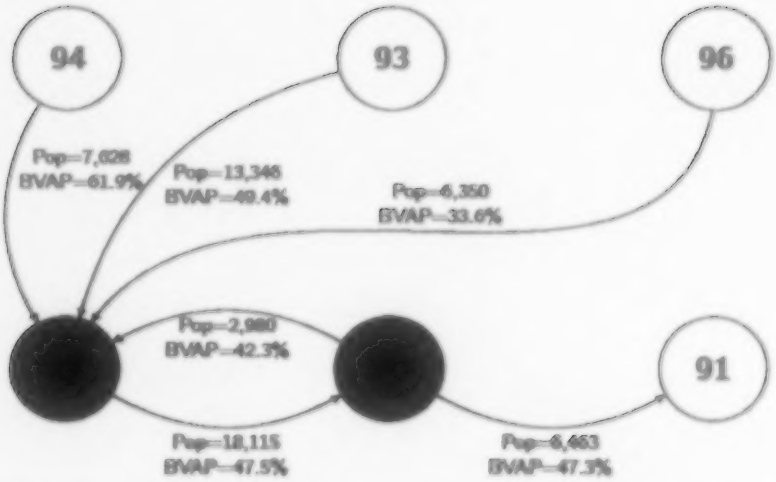

Figure 17: North Hampton Roads Population and BVAP Shifts

Shifts between non-challenged districts are omitted

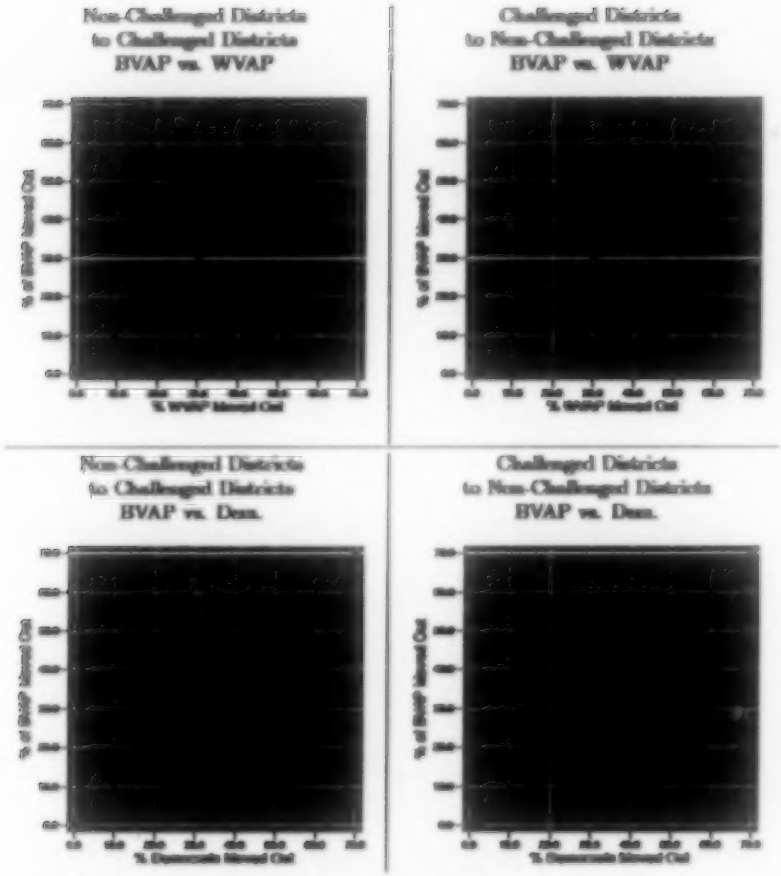

Figure 18: Net Population Shifts

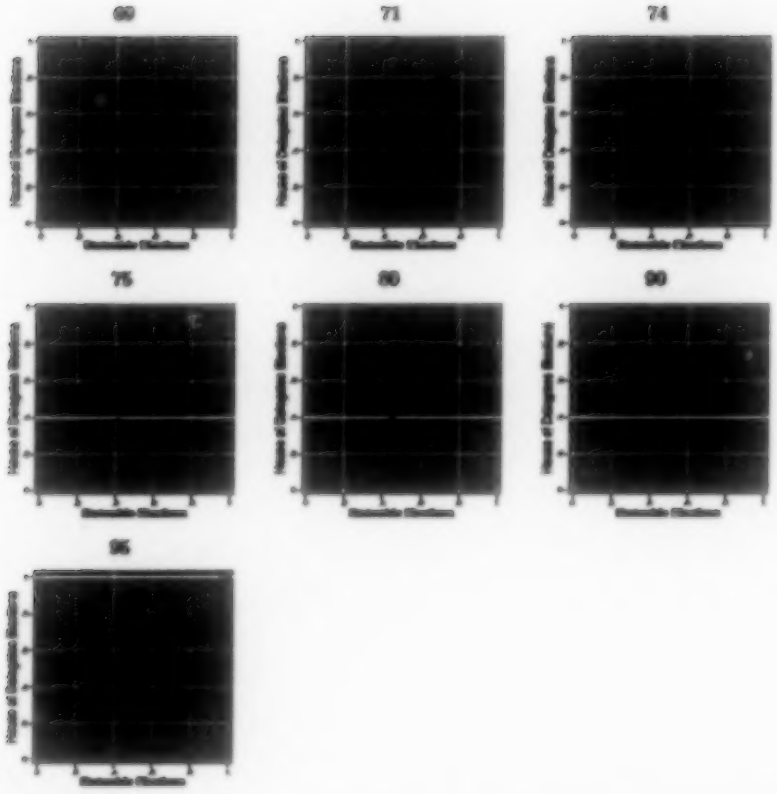

Figure 19: Correlations Between Average Democratic Vote Share in Statewide Elections and Average Democratic Vote Share in State Legislative Elections in Challenged Districts with Contested House of Delegates Elections

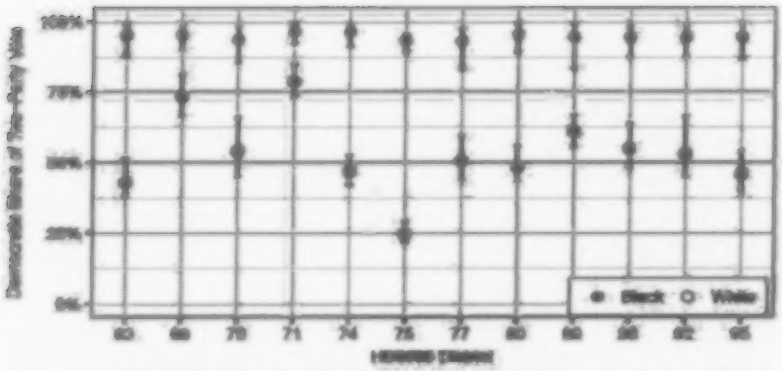

Figure 20: Ecological Inference Using the 2008 Presidential Election

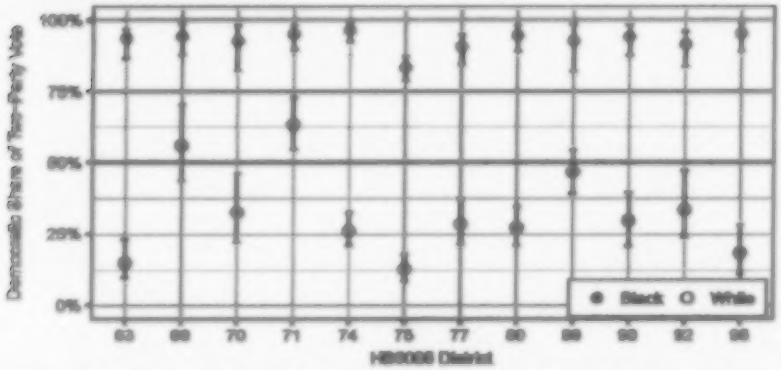

Figure 21: Ecological Inference Using the 2009 Gubernatorial Election

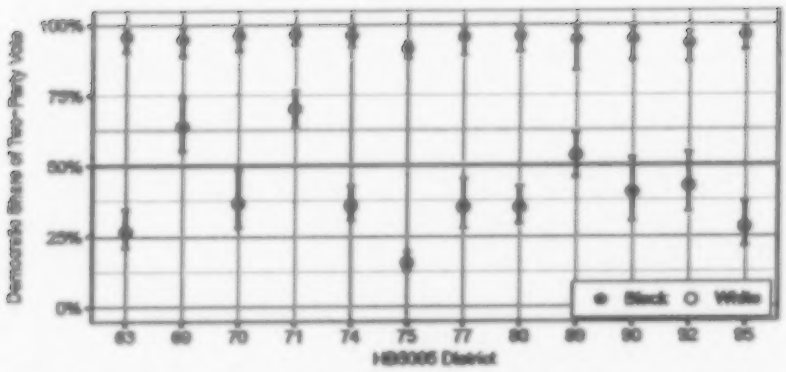

Figure 22: Ecological Inference Using the Average of the 2008 Presidential and 2009 Gubernatorial Elections

Table 1: Split VTDs in the Challenged Districts

District	Split VTDs	VTDs Split With Non-Challenged Districts	VTDs Split With Challenged Districts
63	8	4	4
69	3	2	1
70	2	1	1
71	2	—	2
74	3	3	—
75	12	8	4
77	2	2	—
80	1	1	—
89	4	3	1
90	4	3	1
92	—	—	—
95	5	5	—
Total	39	32	7

Table 2: Logistic Regression of Census Block Assignment to Challenged Districts as a Function of BVAP Within Split VTDs

Model	Logit Results		Predicted probability census block assigned to challenged district with BVAP=				
	BVAP Coef	N	0%	25%	50%	75%	100%
All	4.1795	2,146	0.1325	0.2189	0.3257	0.3778	0.5035
	(0.0237)		(0.0031)	(0.0051)	(0.0057)	(0.0052)	(0.0041)
District 62	0.5995	205	0.3966	0.4256	0.4456	0.5559	0.6519
	(0.0359)		(0.0059)	(0.0057)	(0.0054)	(0.0057)	(0.0051)
District 69	4.4858	149	0.4219	0.7408	0.8861	0.9835	0.9959
	(0.1729)		(0.0032)	(0.0064)	(0.0054)	(0.0027)	(0.0031)
District 70	3.8215	35	0.5389	0.7235	0.8572	0.9644	0.9877
	(0.3411)		(0.0116)	(0.0099)	(0.0059)	(0.0037)	(0.0034)
District 74	20.4853	111	0.8617	0.9745	0.9968	1.0000	1.0000
	(0.5551)		(0.0032)	(0.0012)	(0.0009)	(0.0000)	(0.0000)
District 75	2.6802	289	0.3734	0.5689	0.6795	0.8091	0.8934
	(0.0972)		(0.0046)	(0.0065)	(0.0058)	(0.0051)	(0.0035)
District 77	3.7750	205	0.1321	0.2902	0.5081	0.7159	0.8677
	(0.0975)		(0.0031)	(0.0060)	(0.0059)	(0.0055)	(0.0035)
District 80	10.4564	96	0.8869	0.9869	0.9981	0.9995	0.9999
	(1.1908)		(0.0060)	(0.0030)	(0.0021)	(0.0007)	(0.0003)
District 89	2.0922	253	0.0880	0.1251	0.2273	0.4189	0.6259
	(0.0354)		(0.0023)	(0.0023)	(0.0034)	(0.0049)	(0.0054)
District 90	7.0822	154	0.8859	0.2314	0.7499	0.9869	0.9954
	(0.1177)		(0.0032)	(0.0035)	(0.0031)	(0.0021)	(0.0009)
District 95	6.4896	299	0.8918	0.3315	0.7495	0.9858	0.9955
	(0.0973)		(0.0032)	(0.0054)	(0.0031)	(0.0021)	(0.0021)

Standard errors below coefficients. Sample is all populated census blocks within VTDs that are split between one challenged and one or more non-challenged districts where both parts of the split VTD are populated. "All" model includes all challenged districts with split VTDs. Observations are weighted by total population.

Table 3: VTDs Split Between Challenged and Non-Challenged Districts, Dinwiddie- Greenville Area

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Isle of Wight	Gaspe Mill	75	6,393	2,601	40.6%
		64	239	39	16.1%
Isle of Wight	Carrsville	75	1,013	373	36.7%
		64	955	339	35.5%
Lunenburg	Reese's Store	75	2,581	651	33.5%
		61	1,949	776	39.5%
Lunenburg	Rossland	75	747	2,588	34.5%
		61	557	75	16.5%
Lunenburg	Peoples Community Center	75	2,957	1,597	64.1%
		61	735	245	33.6%
Lunenburg	Victoria Public Library	75	1,258	731	58.6%
		61	1,395	257	34.5%
Prince George	Rives	63	2,659	551	41.5%
		62	305	110	36.6%
		64	305	66	20.6%
Prince George	Courts Bldg	62	2,431	919	36.6%
		64	289	70	24.7%
Prince George	Jefferson Park	63	3,137	737	23.7%
		62	6,837	3,130	39.2%
Southampton	Rolfe-Of-The-River	75	2864	1,115	38.7%
		64	483	97	20.9%
Franklin city	Precinct 2-1	75	781	2,023	37.1%
		64	894	93	13.3%
Hopewell	Ward 7	62	3827	2,623	71.6%
		63	2,555	389	15.5%

Table 4: VTDs Split Between Challenged and Non-Challenged Districts, Richmond Area

Locality	VTD Name	District	Pop.	HVAP (#)	HVAP (%)
Chesterfield	Davis	69	4,004	1,636	40.4%
		27	941	396	42.3%
Henrico	Belmont	74	2,180	780	46.0%
		73	1,339	62	6.3%
Henrico	Brookland	74	205	70	41.9%
		73	839	56	13.3%
Henrico	Moody	74	284	101	41.7%
		73	859	24	4.3%
Henrico	Dumy	70	3,156	632	31.5%
		62	791	109	16.9%
Richmond city	410	69	3,633	1,170	41.8%
		68	1,889	69	10.6%

Table 5: VTDs Split Between Challenged and Non-Challenged Districts, South Hampton Roads

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Table 6: VTDs Split Between Challenged and Non-Challenged Districts, North Hampton Roads

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Newport News	Denbigh	95	4,334	1,948	63.3%
		94	2,638	730	36.5%
Newport News	Epes	95	4,277	2,948	64.3%
		94	994	331	33.4%
Newport News	Jenkins	95	3,254	1,329	61.5%
		94	2,222	585	33.4%
Newport News	Reservoir	95	3,228	887	40.8%
		93	2,574	956	36.1%
		94	1,649	315	29.8%
Newport News	Palmer	95	3,961	720	36.4%
		94	2,232	392	17.6%

Table 7: VTDs Split Between Challenged Districts

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Dinwiddie	Rohoic	63	1,807	236	27.4%
		75	803	290	34.1%
Dinwiddie	Ridgehill	63	1,321	464	35.8%
		75	479	159	44.8%
Dinwiddie	New Hope	63	2,402	1,008	35.0%
		75	1,467	690	54.9%
Dinwiddie	Dinwiddie	63	1,436	342	31.1%
		75	1,157	463	53.6%
Norfolk	Brambleton	89	1,777	1,695	97.0%
		90	2,264	2,173	95.1%
Richmond city	305	69	1,345	69	5.1%
		71	1,548	348	22.6%
Richmond city	703	70	2,684	1,454	91.1%
		71	1,221	806	97.9%

Table 8: Splits of Incorporated Places Between Challenged and Non-Challenged Districts, Dinwiddie-Greenville Area

Place	District	Pop.	BVAP (#)	BVAP(%)
[redacted] town	75	253	93	47.9%
	61	45	5	13.9%
[redacted] town	75	604	269	57.4%
	61	653	89	17.9%
[redacted] town	75	661	331	65.4%
	64	265	24	10.7%
[redacted] town	75	1,511	849	74.7%
	64	635	233	36.4%

Table 9: Splits of Cities Between Challenged and Non-Challenged Districts, Dinwiddie-Greenville Area

Place	District	Pop.	HVAP (#)	HVAP(%)
Franklin city	75	4,851	2,973	82.2%
	64	2,431	283	20.0%
Hopewell	63	7,378	3,386	66.1%
	62	15,215	2,289	20.3%

Table 10: Split of Fort Lee Between Districts 63 and 62

Place	District	Pop.	HVAP (#)	HVAP(%)
Fort Lee CDP	63	2,019	936	45.6%
	62	1,374	255	25.9%

Table 11: Splits of Unincorporated Places Between Challenged and Non-Challenged Districts, Dinwiddie-Greenville Area

Place	District	Pop.	HVAP (#)	HVAP(%)
Camptown CDP	75	483	201	75.9%
	64	284	58	25.0%
Carsville CDP	75	189	47	30.5%
	64	169	6	5.1%
Prince George CDP	63	456	126	37.7%
	64	1,819	196	16.1%

Table 12: Splits of Cities Between Challenged and Non-Challenged Districts, Richmond Area

Place	District	Pop.	BVAP (#)	BVAP(%)
Richmond city	69	74,282	33,678	45.5%
	70	17,486	8,928	68.9%
	71	76,101	33,401	53.6%
	74	2,269	1,519	66.5%
	63	34,936	2,045	6.0%

Table 13: Splits of Unincorporated Places Between Challenged and Non-Challenged Districts, Richmond Area

Place	District	Pop.	BVAP (#)	BVAP(%)
Bellwood CDP	70	2,612	984	37.1%
	63	3,749	499	17.6%
Glen Allen CDP	74	7,643	1,954	34.3%
	72	3,194	274	11.4%
	73	3,937	310	15.8%
Lakeside CDP	74	1,267	490	55.7%
	72	10,583	934	10.9%
Laurel CDP	74	1,369	353	37.8%
	72	15,504	3,531	28.9%
Manchester CDP	69	1,774	443	35.1%
	27	9,039	2,815	39.6%
Meadowbrook CDP	70	11,588	3,823	42.7%
	63	6,724	1,964	33.4%
Southview CDP	70	7	0	0.0%
	74	4,529	1,476	44.9%
	63	3,725	297	8.5%

Table 14: Splits of Cities Between Challenged and Non-Challenged Districts, South Hampton Roads

Place	District	Pop.	BVAP (#)	BVAP(%)
Chesapeake	77	[illegible]	[illegible]	[illegible]
	80	[illegible]	[illegible]	[illegible]
	21	[illegible]	[illegible]	[illegible]
	76	[illegible]	[illegible]	[illegible]
	78	[illegible]	[illegible]	[illegible]
	81	[illegible]	[illegible]	[illegible]
Norfolk	80	[illegible]	[illegible]	[illegible]
	89	[illegible]	[illegible]	[illegible]
	90	[illegible]	[illegible]	[illegible]
	79	[illegible]	[illegible]	[illegible]
	83	[illegible]	[illegible]	[illegible]
	100	[illegible]	[illegible]	[illegible]
Portsmouth	89	[illegible]	[illegible]	[illegible]
	79	[illegible]	[illegible]	[illegible]
Suffolk	77	[illegible]	[illegible]	[illegible]
	80	[illegible]	[illegible]	[illegible]
	64	[illegible]	[illegible]	[illegible]
	76	[illegible]	[illegible]	[illegible]
Virginia Beach	80	[illegible]	[illegible]	[illegible]
	21	[illegible]	[illegible]	[illegible]
	81	[illegible]	[illegible]	[illegible]
	82	[illegible]	[illegible]	[illegible]
	83	[illegible]	[illegible]	[illegible]
	84	[illegible]	[illegible]	[illegible]
	85	[illegible]	[illegible]	[illegible]

Table 15: Splits of Cities Between Challenged and Non-Challenged Districts, North Hampton Roads

Place	District	Pop.	HVAP (#)	HVAP(%)
Hampton	92	70,000	37,224	60.7%
	95	14,524	5,000	44.8%
	91	43,163	9,345	27.9%
Newport News	95	65,487	30,306	62.6%
	93	35,833	9,653	36.1%
	94	79,429	13,130	21.0%

Table 16: Populations Moved from Non-Challenged Districts to Challenged Districts

District	Pop. of Benchmark	Pop. Moved Out	% HVAP of Benchmark	% HVAP of Area Moved Out
27	87,985	19,613	26.5	44.1
61	71,435	6,890	33.4	42.0
62	76,461	11,380	25.6	42.2
64	82,560	985	20.8	38.3
65	73,167	6,513	11.6	36.9
73	74,580	1,918	16.5	35.9
76	97,980	2,435	26.2	61.6
79	73,068	20,883	39.4	45.6
83	73,171	11,345	18.9	46.5
85	74,885	8,972	20.3	40.6
87	71,535	1,589	24.2	48.2
93	73,304	13,346	23.5	48.4
94	71,464	7,835	24.4	61.9
96	98,980	6,350	14.7	23.6
97	87,985	7,986	18.3	28.4
100	71,394	635	28.1	38.1

The second and third columns list total population in the district under the Benchmark Map and the portion of the district moved into challenged districts under HB 5005, respectively. The fourth and fifth columns give the HVAP percentage for the district under the Benchmark Map and the portion of the district moved into challenged districts under HB 5005, respectively.

Table 17: Populations Moved from Challenged Districts to Non-Challenged Districts

District	Pop. of Benchmark	Pop. Moved Out	% BVAP of Benchmark	% BVAP of Area Moved Out
69	71,289	7,939	26.3	20.4
71	74,194	7,749	46.3	6.5
74	88,153	2,161	62.7	5.9
75	70,454	8,189	55.3	23.6
77	76,987	17,693	57.6	25.5
89	70,595	14,159	54.4	29.4
89	74,259	3,593	52.5	23.9
90	71,140	1,101	56.9	26.8
92	71,187	6,483	48.1	47.3

The second and third columns list total population in the district under the Benchmark Map and the portion of the district moved into non-challenged districts under HB 3365, respectively. The fourth and fifth columns give the BVAP percentage for the district under the Benchmark Map and the portion of the district moved into non-challenged districts under HB 3365, respectively.

Table 18: Populations Moved from Non-Challenged Districts to Challenged Districts, As a Percentage of Benchmark District Populations

District	% of Pop. Moved Out	% of BVAP Moved Out	% of WVAP Moved Out	% of Dem. Votes Moved Out
27	22.5	37.8	14.9	29.5
61	8.5	11.2	7.8	8.9
62	14.9	22.7	10.2	16.7
64	1.2	2.2	0.9	1.7
66	8.9	23.4	7.7	10.7
73	2.6	5.8	2.1	3.5
76	2.6	6.1	1.3	2.7
79	53.5	69.6	45.5	54.1
83	15.5	36.2	8.7	18.8
85	11.8	23.5	8.9	14.6
87	2.2	4.6	1.4	2.9
93	18.2	25.8	12.8	19.1
94	10.7	24.5	3.6	12.2
95	7.0	16.8	5.5	7.4
97	8.8	10.3	9.1	9.9
100	0.9	0.3	1.9	0.2

Table 19: Populations Moved from Challenged Districts to Non-Challenged Districts, As a Percentage of Benchmark District Populations

District	% of Pop. Moved Out	% of BVAP Moved Out	% of WVAP Moved Out	% of Dem. Votes Moved Out
69	11.2	7.8	16.7	9.0
71	10.4	1.5	20.4	9.4
74	2.7	0.3	9.4	2.3
75	11.5	4.8	19.6	9.2
77	23.0	10.4	42.6	15.0
80	19.9	11.5	32.2	17.2
89	4.5	2.2	8.9	4.4
90	1.4	0.6	2.1	1.3
92	9.1	6.8	12.7	7.7

Table 20: Effect of BVAP and Party on Assignment of VTDs to Challenged Districts

	(1) Assistedshare	(2) Kats Baseline	(3) Kats Weighted	(4) Closest	(5) Closest Weighted
BVAP	0.388**	0.182**	0.315**	0.389**	0.377**
	(0.038)	(0.031)	(0.033)	(0.038)	(0.037)
Avg. Dem. Vote	0.005	0.139**	0.008	0.045	0.009
	(0.037)	(0.035)	(0.033)	(0.039)	(0.037)
Distance to Closest Challenged District				-0.029**	-0.005
				(0.002)	(0.004)
VTD in Challenged District in Enacted	0.703**		0.681**	0.705**	0.708**
	(0.014)		(0.015)	(0.014)	(0.014)
Observations	2,338	2,338	2,338	2,338	2,338
R-squared	0.703	0.716	0.701	0.704	0.709

Standard errors in parentheses
** p<0.01, * p<0.05

Table 21: Complete Regression Results for Katz Baseline Model

VARIABLES	(1) Katz Baseline
SWAP	0.157**
	(0.052)
Avg. Dem. Vote	0.126**
	(0.035)
Dist. from 63	0.331*
	(0.130)
Dist. from 89	1.362**
	(0.318)
Dist. from 90	1.042**
	(0.308)
Dist. from 77	0.967**
	(0.315)
Dist. from 80	-0.728
	(0.434)
Dist. from 95	-2.121**
	(0.534)
Dist. from 92	2.129**
	(0.530)
Dist. from 71	0.633**
	(0.225)
Dist. from 74	0.981**
	(0.125)
Dist. from 70	-2.683**
	(0.305)
Dist. from 75	-0.359**
	(0.112)
Dist. from 89	-1.239*
	(0.625)
VTD in Challenged District in Reselection	0.075**
	(0.015)
Observations	2,338
R-squared	0.778

Standard errors in parentheses
** p<0.01, * p<0.05

Table 22: BVAP and Democratic Vote Share by District

District	Benchmark Pop.	Pop. Shifted	[illegible] Pop.	Benchmark BVAP	[illegible] BVAP	Benchmark % Dem.	[illegible] % Dem.
68	73,738	6,269	79,988	50.1	50.5	69.9	65.3
69	71,389	8,711	79,988	56.3	55.2	59.5	59.9
70	79,369	630	79,982	61.8	56.4	69.1	73.4
71	74,394	5,616	80,010	46.3	55.3	79.2	64.8
74	80,163	-163	79,984	62.7	57.2	75.7	70.9
75	79,454	9,516	79,985	55.3	56.4	56.3	56.5
77	76,627	3,663	79,627	57.6	59.8	69.3	70.3
80	75,595	9,435	80,765	54.4	56.3	72.3	69.4
89	74,259	5,751	79,634	53.5	55.5	75.9	76.7
90	71,899	8,589	80,435	56.9	56.6	69.1	70.9
92	71,977	8,993	79,989	62.1	59.7	75.6	73.3
93	67,893	12,138	80,071	61.6	60.9	72.9	71.9

Table 23: Ecological Inference Results

District	Race	2020 President. Est.	2020 President. 95% CI	2020 Governor Est.	2020 Governor 95% CI	Avg. of Pres. & Gov. Est.	Avg. of Pres. & Gov. 95% CI
69	Black	0.954	(0.939, 0.969)	0.939	(0.895, 0.980)	0.947	(0.924, 0.967)
	White	0.439	(0.339, 0.540)	0.548	(0.459, 0.638)	0.500	(0.450, 0.545)
	Other	0.720	(0.600, 0.841)	0.672	(0.565, 0.777)	0.696	(0.637, 0.755)
70	Black	0.954	(0.940, 0.969)	0.943	(0.870, 0.988)	0.950	(0.905, 0.979)
	White	0.724	(0.605, 0.837)	0.599	(0.435, 0.764)	0.662	(0.533, 0.793)
	Other	0.801	(0.520, 0.952)	0.691	(0.486, 0.868)	0.739	(0.602, 0.900)
70	Black	0.936	(0.917, 0.953)	0.926	(0.872, 0.965)	0.931	(0.900, 0.955)
	White	0.545	(0.451, 0.639)	0.335	(0.239, 0.435)	0.440	(0.383, 0.497)
	Other	0.701	(0.549, 0.838)	0.661	(0.476, 0.849)	0.703	(0.600, 0.819)
71	Black	0.936	(0.923, 0.949)	0.951	(0.909, 0.988)	0.943	(0.919, 0.967)
	White	0.599	(0.722, 0.854)	0.653	(0.547, 0.758)	0.701	(0.638, 0.767)
	Other	0.769	(0.617, 0.909)	0.555	(0.339, 0.804)	0.660	(0.500, 0.816)
76	Black	0.952	(0.942, 0.960)	0.966	(0.934, 0.992)	0.955	(0.939, 0.969)
	White	0.407	(0.329, 0.527)	0.369	(0.260, 0.476)	0.389	(0.305, 0.476)
	Other	0.701	(0.530, 0.857)	0.717	(0.472, 0.966)	0.701	(0.498, 0.910)
75	Black	0.931	(0.905, 0.954)	0.834	(0.707, 0.972)	0.913	(0.852, 0.959)
	White	0.347	(0.255, 0.440)	0.127	(0.081, 0.178)	0.168	(0.127, 0.195)
	Other	0.691	(0.508, 0.861)	0.469	(0.147, 0.837)	0.477	(0.313, 0.744)
77	Black	0.959	(0.935, 0.979)	0.937	(0.846, 0.988)	0.917	(0.892, 0.939)
	White	0.536	(0.439, 0.630)	0.364	(0.264, 0.465)	0.364	(0.370, 0.453)
	Other	0.643	(0.397, 0.869)	0.495	(0.220, 0.802)	0.551	(0.317, 0.833)
80	Black	0.954	(0.939, 0.969)	0.947	(0.888, 0.992)	0.961	(0.945, 0.975)
	White	0.405	(0.432, 0.518)	0.272	(0.200, 0.340)	0.319	(0.284, 0.428)
	Other	0.854	(0.699, 0.957)	0.693	(0.361, 0.949)	0.739	(0.534, 0.952)
89	Black	0.945	(0.932, 0.959)	0.938	(0.838, 0.989)	0.940	(0.888, 0.969)
	White	0.611	(0.514, 0.678)	0.405	(0.288, 0.540)	0.537	(0.488, 0.611)
	Other	0.889	(0.578, 0.954)	0.545	(0.254, 0.864)	0.591	(0.399, 0.894)
90	Black	0.943	(0.932, 0.953)	0.902	(0.838, 0.954)	0.947	(0.879, 0.969)
	White	0.545	(0.489, 0.609)	0.306	(0.207, 0.394)	0.405	(0.369, 0.539)
	Other	0.795	(0.531, 0.951)	0.427	(0.145, 0.769)	0.555	(0.360, 0.851)
92	Black	0.941	(0.928, 0.955)	0.954	(0.937, 0.969)	0.953	(0.939, 0.965)
	White	0.533	(0.452, 0.609)	0.384	(0.258, 0.472)	0.458	(0.384, 0.544)
	Other	0.649	(0.394, 0.894)	0.595	(0.343, 0.851)	0.598	(0.369, 0.876)
95	Black	0.948	(0.937, 0.960)	0.954	(0.940, 0.969)	0.956	(0.948, 0.965)
	White	0.491	(0.409, 0.541)	0.352	(0.116, 0.588)	0.291	(0.215, 0.377)
	Other	0.855	(0.694, 0.958)	0.892	(0.836, 0.962)	0.880	(0.802, 0.945)

Table 24: Estimated Democratic Vote Share if Population Shortfall Made Up Entirely with Republican Voters

District	Avg. Dem. Votes	Avg. Rep. Votes	New Rep. Votes	New Dem. Share (%)
63	36,491	21,353	4,947	59.9
69	44,432	18,743	6,748	71.8
70	47,394	11,776	489	79.4
71	48,693	13,896	4,511	75.4
74	45,899	14,885	0	75.7
75	21,748	24,429	7,045	48.6
77	38,921	17,213	2,230	68.7
80	40,235	15,430	7,430	63.8
86	42,899	14,223	4,488	69.6
90	36,442	18,389	6,027	63.4
92	41,154	13,316	6,898	69.1
95	36,715	14,783	9,113	63.1

This result is calculated as follows. Calculate the number of Democratic and Republican votes in the Benchmark district as $Avg_Dem_Votes = VAP \cdot benchmark_dem_share$ and $Avg_Rep_Votes = VAP \cdot (1 - benchmark_dem_share)$. Assume VAP is added to the district in the same proportion as exists in the district, and all of these voters are Republican: $New_Rep_Votes = \frac{VAP}{pop} \cdot pop_needed$. Then calculate

$$New_Dem_Share = \frac{Avg_Dem_Votes}{(Avg_Dem_Votes + Avg_Rep_Votes + New_Rep_Votes)}$$

Table 25: Estimated Democratic Vote Share At Different Levels of BVAP Using Ecological Inference Estimates

District	Dem Vote: 45% BVAP		Dem Vote: 50% BVAP		Dem Vote: 55% BVAP	
	Est.	95% CI	Est.	95% CI	Est.	95% CI
62	59.4	(57.6, 61.4)	62.8	(61.3, 64.5)	66.3	(64.8, 67.9)
69	76.8	(74.9, 78.9)	79.4	(78.7, 82.0)	81.9	(80.5, 83.4)
70	67.7	(66.1, 70.0)	70.7	(69.2, 72.4)	73.7	(72.1, 75.0)
71	71.0	(70.1, 73.2)	72.4	(69.5, 74.2)	73.7	(71.8, 75.4)
74	65.4	(63.9, 67.2)	68.5	(67.8, 70.0)	71.5	(69.9, 72.9)
75	50.4	(49.5, 51.3)	54.1	(53.4, 54.9)	57.9	(57.2, 58.6)
77	63.5	(62.5, 66.0)	66.5	(64.6, 68.5)	69.5	(67.6, 71.3)
89	64.2	(62.3, 66.4)	67.3	(65.5, 69.1)	70.3	(68.6, 71.9)
89	72.4	(69.3, 74.5)	74.5	(70.8, 76.7)	76.5	(72.1, 78.7)
90	66.2	(64.1, 68.3)	68.9	(67.8, 70.7)	71.6	(69.5, 73.3)
93	66.4	(64.0, 69.4)	68.9	(66.9, 71.2)	71.5	(69.6, 73.2)
95	62.3	(60.7, 64.4)	65.7	(64.3, 67.4)	69.1	(67.6, 70.5)

Estimates calculated using ecological inference estimates for the Enacted Districts using the average of the two-party votes shares from the 2008 presidential and 2010 gubernatorial elections. Confidence intervals calculated using SE with 100,000 samples and estimating Dem. vote share from each draw.

Reply Brief of Maxwell Palmer, *Bethune-Hill v. Va. State Board of Elections*
(Aug. 29, 2017)
(Plaintiffs' Exhibit 72)

I. Summary

1. My original report in this matter examined the use of race in the drawing of the twelve challenged districts. I found that race predominated in the ways that VTDs, cities, towns, and census places were divided between challenged and non-challenged districts. 31 of the 32 VTDs split between challenged and non-challenged districts were divided such that the portions in the challenged districts had a higher BVAP than the portions in the non-challenged districts. Furthermore, these VTDs could not have been divided on the basis of party because there was not any electoral data available to the map makers that could be used to divide VTDs.

2. My report further found that Black voters were moved into challenged districts at a higher rate than either White voters or Democratic voters, while both White voters and Democratic voters were moved out of the challenged districts at a higher rate than Black voters.

3. Additionally, I corrected errors in Dr. Katz's model of the effects of race vs. party, and found that race predominated over party in the assignment of VTDs to the challenged districts.

4. Finally, my original report found that a 55% BVAP threshold was not necessary to enable Black voters in the challenged districts to elect their candidates of choice.

5. The Defendant-Intervenors provided rebuttal reports from three experts: Dr. Hofeller, Dr. Hood, and Dr. Katz. Dr. Hofeller did not comment on my analysis.[1]

6. Dr. Hood presents a very narrow critique of my analysis. Without disputing my analysis of split geographies, population flows, VTD assignments, or race vs. party in the assignment of VTDs, he contends only that my analysis of the BVAP threshold may be flawed for a variety of speculative reasons, but does not present any relevant evidence supporting his assertions.

7. Dr. Katz similarly does not dispute my accounting of split geographies or my analysis of population flows. He also does not dispute my analysis of the 55% BVAP threshold. Dr. Katz objects to my conclusion that VTDs were divided by race and not party because, he argues, race can be used as a proxy for party. This only confirms my original conclusion.

8. My original report demonstrated that race predominated over party in the assignment of VTDs to challenged districts by correcting errors in Dr. Katz's model from his original report. While Dr. Katz objects to these changes in his supplemental report, his discussion of VTD weighting and various measures of distance reflect an attempt to muddy the waters in a manner that has no valid statistical basis. In any

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[1] In response to Dr. Rodden's dot density maps, Dr. Hofeller states that "it is much more useful" to display geographic units using "thematic coloring." (Hofeller Supplemental Report, ¶4). My expert report includes 22 thematically colored maps of census blocks and VTDs that illustrate how different geographic units were divided by race.

event, the models he offers all support my conclusion that race predominated in VTD assignment.

9. Nothing in these reports alters my conclusions regarding racial predominance in the drawing of the 12 challenged districts. Indeed, Dr. Hood's and Katz's various, unsubstantiated attacks only confirm racial predominance.

II. Split VTDs

10. In my analysis of split geographies, I found that VTDs were split on the basis of race, and that they could not have been split on the basis of political party or election results because such data is not available at the census block level.

11. Neither Dr. Hood nor Dr. Katz dispute my findings that 31 of the 32 VTDs split between challenged and non-challenged are divided such that higher BVAP areas are assigned to challenged districts. Indeed, Dr. Hood does not address—let alone dispute—my findings that VTDs were split by race.

12. Dr. Katz does not dispute that my tables and maps, which simply compare populations across split VTDs, show that VTDs were split by race. Dr. Katz objects only to my use of a statistical model of census block assignment in this analysis. He notes that "as with the VTDs, one can not independently assign a Census block to a district since districts must be contiguous," and objects that my analysis "assumes this independence." Apparently, Dr. Katz's criticism is that my statistical model does not account for the distance between each census block and the challenged districts. But a measure of distance is not necessary here because the model only includes VTDs that are split, which, by construction, are on the

borders of two or three districts and therefore contain census blocks that could be assigned only to those districts. Furthermore, Dr. Katz provides no evidence to support his suggestion that my model may be incorrect.

13. Dr. Katz further disputes the unavailability of political data at the census block level. Dr. Katz claims that political information *is* available at the census block level, because, "[i]n the U.S., and especially in Virginia, race data is very highly correlated with party identification" (Katz Supplemental Report, p.10). Here, Dr. Katz argues that because race is correlated with party, one can use race to estimate partisanship in each census block, and then assign census blocks to districts on the basis of party. This argument is absurd: if the only data the map maker has to predict partisanship is race, then by using partisanship derived from race, the map maker is implicitly dividing VTDs by race alone. Dr. Katz's defense that race is an appropriate proxy for party only confirms my conclusion that VTDs were split by race.

14. To support his argument, Dr. Katz offers a graph showing the correlation between Democratic Vote Share and Black population (Katz Supplemental Report, Figure 1). This graph says nothing about the division of VTDs. It does, however, illustrate my point about the unavailability of party data below the VTD level: the best evidence on party available to Dr. Katz for his report is at the VTD level. Dr. Katz is not able to present any evidence on party at the census block level because such data does not exist in Virginia.

15. Thus, nothing in the rebuttal report offered by Dr. Katz refutes my conclusion that VTD splits involving the challenged districts were based on race.

III. Race vs. Party Analysis

16. Dr. Hood provides no rebuttal to my findings that race predominated over party in the assignment of VTDs to the challenged districts.

17. Dr. Katz objects to the use of population weights in the race vs. party models in my original report. Apparently, Dr. Katz believes that the assignment of VTDs to districts is the crux of the analysis, not the assignment of the people within the VTDs. Using Dr. Katz's preferred unweighted model, a VTD with 500 people is equally important as a VTD with 5,000 people.

18. But the ultimate purpose of this analysis is to study the assignment of *people* to challenged districts, not VTDs. The VTD is our unit of observation here because it is the unit that has the necessary information (race and party) about actual people being assigned to each district. Weighting VTDs by population reflects the fact that more people are affected by the assignment of a heavily populated VTD than by the assignment of a sparsely populated one.[2]

19. Dr. Katz proposes six alternate weights, and shows that different weights produce somewhat different results. Dr. Katz incorrectly asserts that all of these weights are "plausible." While weighting by VAP rather than population may be appropriate (and

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[2] While Dr. Katz objects to my use of weights here, he does not object to my weighting census blocks by population in my split VTDs analysis.

does not produce meaningfully different results than weighting by population), the remaining weights are not plausible and should not be used. For example, Dr. Katz weights by inverse population, because "we might worry that the impact of smaller VTDs is actually underrepresented in the data" (Katz Supplemental Report, p.6). Dr. Katz provides no reasoning to support why this might be a concern. I know of no study analyzing people that weights units by inverse population. Similarly, Dr. Katz's weights of Black VAP, White VAP, Black Pop., and White Pop. are also offered without justification. Unlike Dr. Katz's proposed weights, my use of population weights are fully justified: I am estimating the effects of race and party on the assignment of people to districts, and therefore weight by the number of people in each VTD.

20. Dr. Katz claims that "weighting by any other population measure in the data recovers results that are significantly closer to my original results than to Dr. Ansolabehere's" (Katz Supplemental Report, p.6). This is both misleading and disingenuous. While Dr. Katz is correct that these unjustified weights produce results that are closer to his original results, three of his six proposed weights (VAP, White VAP, and White Pop.) produce the same conclusion as the population-weighted model: race had a larger effect than party on VTD assignment, and the difference between the effect of race and the effect of party is statistically significant (see Katz Supplemental Report, Table 4).

21. Dr. Katz's six unjustified weights are a smokescreen designed to obfuscate the legitimate use of population weights in this analysis. Katz argues that the use of population weights is not "stable," and

therefore we should prefer his unweighted model. This lack of stability is an artifact of Katz's analysis rather than a problem with the analysis in my Expert Report. Dr. Katz has provided no evidence that the use of population weights is not stable when approached in a reasoned, logical manner—i.e., using population weights on the basis of actual population. By deliberately selecting conflicting population weights (Pop. and Inverse Pop.; Black and White VAP; Black and White Pop.), Dr. Katz is ensuring that he finds inconsistent and conflicting results. This is not evidence that populations weights are inappropriate, but evidence that poor statistical modeling decisions produce poor results.

22. Dr. Katz also objects to the measure of distance in my model assessing the predictive value of race vs. party in the assignment of VTDs to districts. In his previous report, Dr. Katz added twelve variables measuring the distance from every VTD to every challenged district to Dr. Ansolabehere's race vs. party regression analysis. I objected to Dr. Katz's simultaneous use of these twelve measures because they produce illogical estimates of the effect of distance on VTD assignment (see Palmer Report, ¶121). I proposed an alternative measure, the distance to the closest challenged district under the Benchmark Map. Using this measure, I found that race predominated over party in the assignment of VTDs to challenged districts.

23. Dr. Katz objects to my use of the closest challenged district variable instead of using all twelve distance measures simultaneously, arguing that all twelve measures are needed to capture "two important

pieces of information: proximity and size" (Katz Supplemental Report, p.8). But Dr. Katz provides no evidence establishing that my distance measure is incorrect; he only speculates that this may be so. For instance, while Dr. Katz offers a hypothetical example about how the size of a VTD might affect district assignment due to its hypothetical effect on compactness, he does not provide any evidence that the map makers were facing a tradeoff between proximity and compactness, nor does he include VTD size, which he apparently believes is important, in his own statistical analysis. Similarly, Dr. Katz's claim that VTD size may be important because of its relationship to population density is unsupported by any actual evidence showing as much. Finally, Dr. Katz speculates that these factors could lead to logical negative coefficients on the distance measures for some districts, but not others. Once again, Dr. Katz provides no evidence that this is the case for any of the challenged districts. Overall, despite having available all of the necessary data, Dr. Katz makes no effort to defend or verify any of his claims, and simply offers unjustified speculation to muddy the analysis.

24. Dr. Katz also objects to the closest district measure of distance as missing information about the effect of "the specific location of a VTD . . . on its likelihood of incorporation into a challenged district" (Katz Supplemental Report, p.8). While Dr. Katz is correct that many VTDs are close to multiple challenged districts, this fact does not discredit the closest district measure. Seventy percent of the VTDs assigned to a challenged district are assigned to the closest district. Furthermore, the Adjusted R^2, a measure of how well the model explains the variation

in the data, is essentially the same in Dr. Katz's model with twelve distance variables and my model with only the distance to the closest challenged district variable.[3] This indicates that Dr. Katz's twelve measures of distance are not explaining meaningfully more variation than my one measure. Given that Dr. Katz's model produces illogical estimates for the effect of distance, while my model does not, there is no basis to use Dr. Katz's twelve measures of distance.

25. In his supplemental report, Dr. Katz abandons his twelve measures of distance and proposes four new alternative measures in Table 6 (Katz Supplemental Report, p.10). All of his models are unweighted. While Dr. Katz is correct that in all four models "the average Democratic vote share remains a significant predictor of a VTD's inclusion in a challenged district," this is not evidence of party predominance (Katz Supplemental Report, p.9). In my closest district specification, as well as all four of Dr. Katz's measures of distance, race is a significant predictor of VTD assignment, and the coefficient on race is much larger than the coefficient on party. Furthermore, the differences between the coefficient on race and on party are themselves statistically significant.[4] This is strong evidence that race predominated over party in the assignment of VTDs to challenged districts.

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[3] Adjusted $R^2 = .78$ in Katz's model and Adjusted $R^2 = .77$ in my model when observations in both models are weighted by population.

[4] In his original report, Dr. Katz performs a statistical test on the difference between the coefficients on race and on party, and reports the results (Katz Report, p.19). He neglects to do so here, where such a test confirms my findings.

Figure 1 presents these results visually and illustrates that the effect of race is much larger and statistically greater than the effect of party. Furthermore, when the observations are correctly weighted by VTD population, the effects are the same as in my Expert Report (see Figure 2). The coefficients on BVAP are large and statistically significant, while Democratic vote share does not have a significant effect on VTD assignment.

26. Dr. Katz concludes this section of his report by dismissing all of these analyses (both his and my own) as a "crude approximation," a position he took in his trial testimony but not in his original report. Here, Dr. Katz is further backing away from his own analyses, presumably because, when the models are corrected, they simply do not support his desired conclusions. On the contrary, both his preferred models and mine indicate that race predominated over party in the assignment of VTDs.

27. In sum, Dr. Katz disputes my use of population weights and the measure of distance between each VTD and its closest district. But even Dr. Katz's preferred models, which lack weights and use measures of distance of Dr. Katz's own creation, confirm my conclusion that race predominated over party.

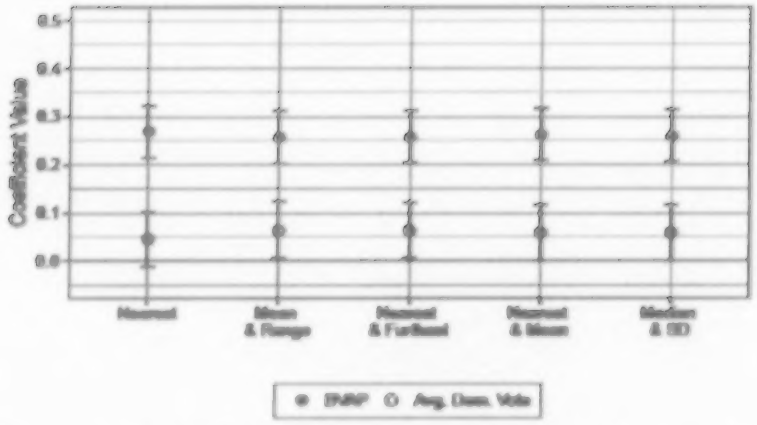

Figure 1: Coefficient Plot Using Dr. Katz's Alternative Distance Measures

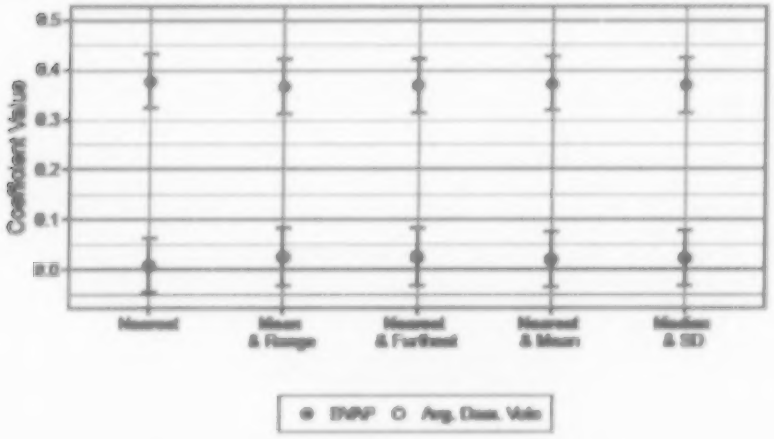

Figure 2: Coefficient Plot Using Dr. Katz's Alternative Distance Measures and Population Weights (see Table A5 for full results)

IV. Racial Polarization

28. Both Dr. Hood and Dr. Katz analyze racially polarized voting in Districts 69, 70, 71, and 89 (the districts contained in the Richmond area), and the surrounding areas using 2013 statewide elections. The goal of these analyses is presumably to show that Black and White voters support different candidates, and therefore that large majorities of Black voters are required to create districts where Black voters can elect their candidates of choice. But the results presented by Dr. Hood and Dr. Katz do not support this conclusion.

29. First, Dr. Katz misrepresents my finding on racial polarization when he writes that my original report concludes that "that there is no racially polarized voting in statewide races" (Katz Supplemental Report, p.2). My original Expert Report found that some of the challenged districts do not have racially polarized elections because a majority of White voters are voting for the same candidates as as majority of Black voters, but I do not claim that this is true for all of the challenged districts or the surrounding areas. Rather, I explain that Blacks consistently vote for Democratic candidates, but that there is significant variation in vote choice by Whites across the twelve districts (Palmer ¶136-37). Dr. Katz does not dispute my ecological inference results for the elections included in my Expert Report, which indicate that in several challenged districts, Black and White voters are supporting the same candidates.

30. Both Dr. Hood and Dr. Katz present ecological inference results using the 2013 general elections for Governor and Attorney General, and the 2013

Democratic primary election for Attorney General. The choice of these elections by both experts is curious. As an initial matter, Dr. Katz objected in his prior report and testimony that statewide elections were not appropriate for estimating polarization in the challenged districts. This time around, however, Dr. Katz embraces statewide elections. Additionally, both experts use the 2013 Democratic primary for attorney general to, in Dr. Katz's words, "find a statewide race with [an] African-American candidate." But both experts ignore at least three other relevant statewide races with an African- American candidate: Barack Obama's two elections for U.S. President in 2008 and 2012, and the 2013 general election for lieutenant governor, where E.W. Jackson, an African-American Republican, faced Ralph Northam, a White Democrat.

31. Dr. Hood and Dr. Katz present ecological inference results for various regions and counties in the vicinity of the challenged districts. But a district-based analysis is more useful here, as polarization varies across regions, and we are primarily interested in polarization in the challenged districts. For example, in Table 1 of his supplemental report, Dr. Katz shows that the percentage of Whites voting for Democrats varies across the Richmond region. Overall, Dr. Katz estimates that 46% of Whites in the Richmond area vote for Democrats, but this varies substantially from Chesterfield County (35%) to the City of Richmond (69%).[5]

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[5] Both Dr. Hood's and Dr. Katz's use of standard errors render their ecological inference results dubious at best and meaningless at worst. Remarkably, Dr. Hood fails to report standard errors or confidence intervals on any of his estimates, and instead

32. Dr. Katz presents ecological inference results for Districts 69, 70, 71, and 89 (neither Dr. Hood nor Dr. Katz provides any analysis on racial polarization for the remaining challenged districts). Dr. Katz does not find any evidence of racial polarization in these four districts using the 2013 general elections for governor and attorney general. (See Katz Supplemental Report, Tables 1 and 2). In Figure 3, I present ecological inference results and confidence intervals for all twelve contested districts using the 2013 governor, attorney general, and lieutenant governor elections and the 2012 presidential election. With the exception of District 75, there is no evidence of consistent racial polarization across the challenged districts. And in Districts 69, 71, and 89, White voters consistently prefer the Black-preferred candidate by significant margins.

33. Dr. Hood and Dr. Katz use the 2013 Democratic primary to examine a case where a Black candidate faced a White candidate in a primary election. In Figure 4, I use ecological inference to measure racial polarization in all twelve districts

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interprets the coefficients as exact vote shares. Dr. Katz, without explanation, uses a different EI method than he used in his original report, and calculates his confidence intervals differently. Using this method, several regions have confidence intervals that fall in Dr. Katz's so-called "Impossible Region," (Katz Report, p.9) where the estimates are below zero or greater than one. Dr. Katz modifies these intervals manually to fall between 0 and 1, a practice that he strenuously objects to in his report and testimony on the Ansolabehere report. Furthermore, in some cases his confidence intervals range from zero to one (see, for example, the Richmond Area estimates in Table 3 of Dr. Katz's Supplemental Report), which provides no information on racial polarization.

using this election, as well as the 2008 Democratic presidential primary where Barack Obama faced Hillary Clinton. With the exception of the 2013 Attorney General primary in Districts 80 and 89, there is no evidence of consistent racial polarization across the challenged districts. This indicates that Black-preferred candidates are able to win Democratic primaries in the challenged districts.

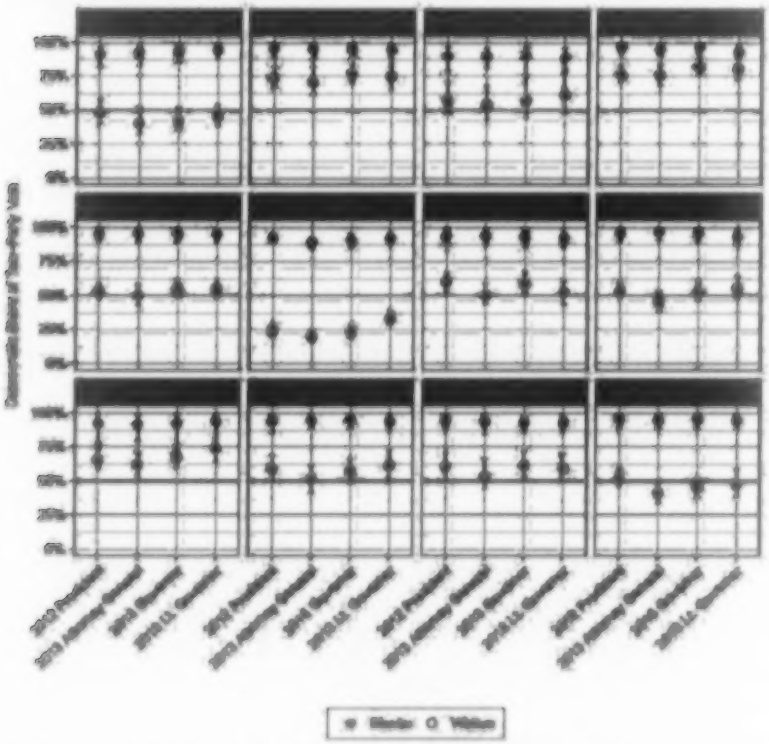

Figure 3: Ecological Inference Results Using General Elections (see Tables A1 and A2 for the full results)

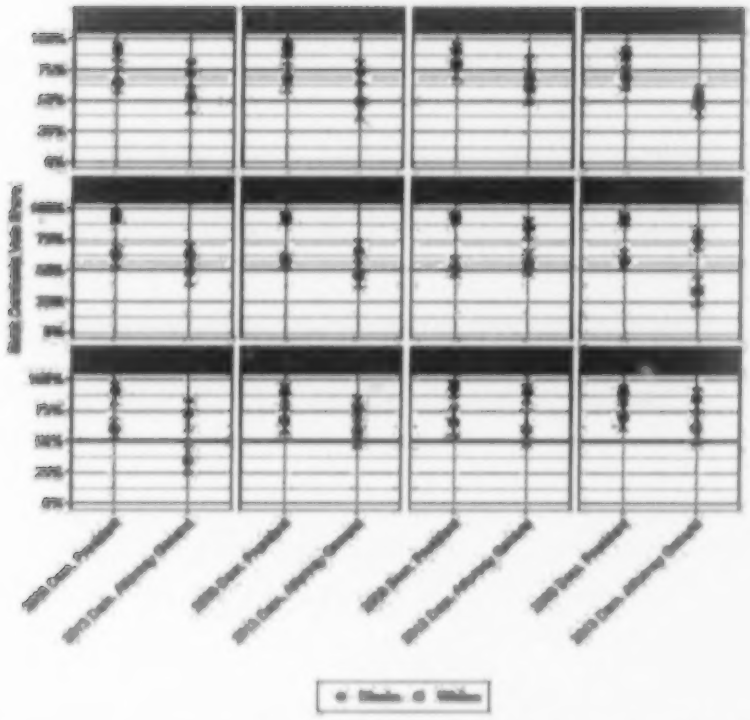

Figure 4: Ecological Inference Results Using Democratic Primaries for President in 2008 and Attorney General in 2013 (see Table A3 for the full results)

Table 1: Vote Shares for Primary Elections in the Challenged Districts

District	2008 President		2013 Attorney General	
	Obama (B)	Clinton (W)	Fairfax (B)	Herring (W)
63	81.03	18.97	68.30	31.70
69	81.69	18.31	61.27	38.73
70	85.13	14.87	64.96	35.04
71	80.98	19.02	50.81	49.19
74	82.16	17.84	59.35	40.65
75	76.87	23.13	61.69	38.31
77	81.34	18.66	77.23	22.77
80	80.98	19.02	59.78	40.22
89	77.43	22.57	52.23	47.77
90	79.53	20.47	68.01	31.99
92	83.17	16.83	78.30	21.70
95	81.51	18.49	78.71	21.29

34. Additionally, in both of these primary elections, the Black candidate won the majority of the vote in every challenged district. Table 1, above, shows the share of the vote won by each candidate. Barack Obama won the 2008 presidential primary with at least 75% of the vote in every challenged district. While Justin Fairfax, the Black candidate, lost the statewide primary for Attorney General in 2013, he won every challenged district.[6]

35. In sum, neither Dr. Hood nor Dr. Katz dispute my racially polarized voting analysis based on the

[6] Fairfax won by a substantial margin in ten of the twelve districts. The vote was close in District 71, where the ecological regression results show that both Blacks and Whites supported both candidates equally, and District 89, where there is some evidence of polarization in this primary, but not in the 2008 presidential primary.

elections included in my original report. While they both introduce a select set of new elections, neither analysis undermines my original conclusion that racial voting patterns vary across the challenged districts and that these voting patterns do not necessitate that each challenged district contain at least 55% BVAP in order to elect Black-preferred candidates.

V. Evaluating the 55% BVAP Threshold

36. Racial polarization alone is insufficient for establishing the necessity of the 55% BVAP threshold. Even if there is some level of racially polarized voting in a district, the question is whether the degree of racially polarized voting necessitates that Blacks comprise 55% of VAP in order to elect their candidates of choice.

37. In my original report I used ecological inference to show that Black voters in the challenged districts overwhelmingly supported Democratic candidates in general elections (see Palmer Report, ¶136). Figure 5 shows the relationship between the share of the White vote won by Democrats (on the x-axis), and the percentage of the electorate that must be Black for the Black-preferred candidate to win (on the y-axis). When the electorate is 50% or more Black, then the Democratic candidate is likely to win. Similarly, if 50% or more of Whites vote for Democrats, then the Democratic candidate is likely to win. However, there is also a significant area within these lines where the Democratic candidate will win. For example, if Blacks are 40% of the electorate, but 30% of Whites votes for Democrats (a significant level of polarization), then the Democratic candidate is still

likely to win by a comfortable margin. The dots on the plot represent the actual values for the twelve districts, based on the ecological inference results from my previous report. In all twelve districts, these points are far away from the boundary.[7] In other words, there is significant room for error—both in the estimate of the share of Whites voting for Democrats and in the size of the Black population—to still ensure comfortable electoral victories for Black-preferred candidates. The Black population in these districts could also be reduced significantly and still remain far from the boundary.

38. Dr. Hood raises several unsubstantiated objections to my analysis of the necessity of the 55% BVAP threshold. Dr. Hood does not dispute either that such a threshold was employed by the map makers or the methods I use to reach my conclusions. Nor does Dr. Hood dispute my conclusion that the electoral margins for Black-preferred candidates are so large that if all of the population needed in each underpopulated district were made up of White voters who unanimously voted against the Black preferred candidates, the Black preferred candidates would still win (see Palmer Report, ¶138 and Table 24). Dr. Hood only objects to a single analysis (Palmer Report, Table 25), where I estimate Democratic vote shares for each district at different levels of BVAP. Then, too, Dr. Hood presents no evidence to support any of his objections to analysis.

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[7] The leftmost point, which is closest to the boundary, is District 75.

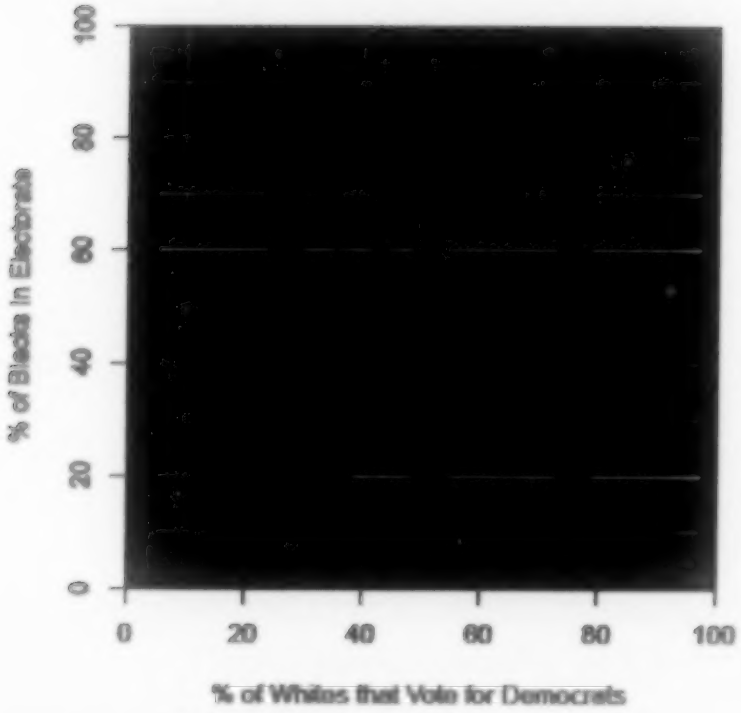

Figure 5: BVAP Threshold for African-American Preferred Candidates to Win

39. First, Dr. Hood points out that statistical models produce estimates with "a degree or range of uncertainty," and that such uncertainty should be taken into account. Dr. Hood fails to note that my analyses expressly include such measures of uncertainty—each estimate in Table 25 is accompanied by a 95% confidence interval.[8] Remarkably, despite emphasizing the importance of

[8] I explicitly use these confidence intervals in my discussion of the results. See Palmer Report, ¶141.

measures of uncertainty, Dr. Hood fails to include confidence intervals or standard errors in *any* of his analyses in his supplemental report. Further compounding this error, Dr. Hood interprets his ecological inference results as precise measures of voter support, and does not acknowledge the lack of precision in his own analysis.

40. Second, Dr. Hood suggests that my use of VAP as a proxy for turnout may be incorrect, because turnout may vary by race. He presents no relevant evidence of turnout differences by race in the challenged districts to support his point.

41. One common way to estimate turnout by race is to use ecological inference on the total votes cast in an election.[9] Figure 6 plots the turnout gap (the difference between the estimated Black turnout rate and the estimated White turnout rate) with 95% confidence intervals using the 2012 presidential and 2013 gubernatorial elections (see Table A4). While the point estimates vary across elections and districts, in some cases showing that Black turnout is higher and in some cases showing that White turnout is higher, none of the differences between Black and White turnout rates are statistically significant in any challenged district.

42. Third, Dr. Hood suggests that map drawers may want to make sure that BVAP is well in-excess of 50%, in case it drops in the future. Dr. Hood, however, does not provide any analysis of BVAP changes over

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[9] Dr. Katz conducted such an analysis for his original (2015) report, but did not report the results. I use a similar approach to estimate turnout using EI here.

time, let alone suggest that the map makers performed such an analysis. Additionally, Figure 5 shows that there is room for BVAP to drop substantially in the challenged districts without impacting Black voters' ability to elect Black preferred candidates.

43. Fourth, Dr. Hood cites the 2001 report of Dr. Loewen on the necessary BVAP population required for Blacks to elect their candidates of choice. Dr. Loewen's analysis relies on data from 1991 to 2001 (Loewen, pp.24-26). Given the demographic and political changes in Virginia over the past 16 years, this analysis is out of date. Dr. Hood, despite having the necessary data to do so, elects not to update this analysis using recent elections. Given the lack of contemporaneous evidence, Dr. Loewen's conclusions are not relevant here.

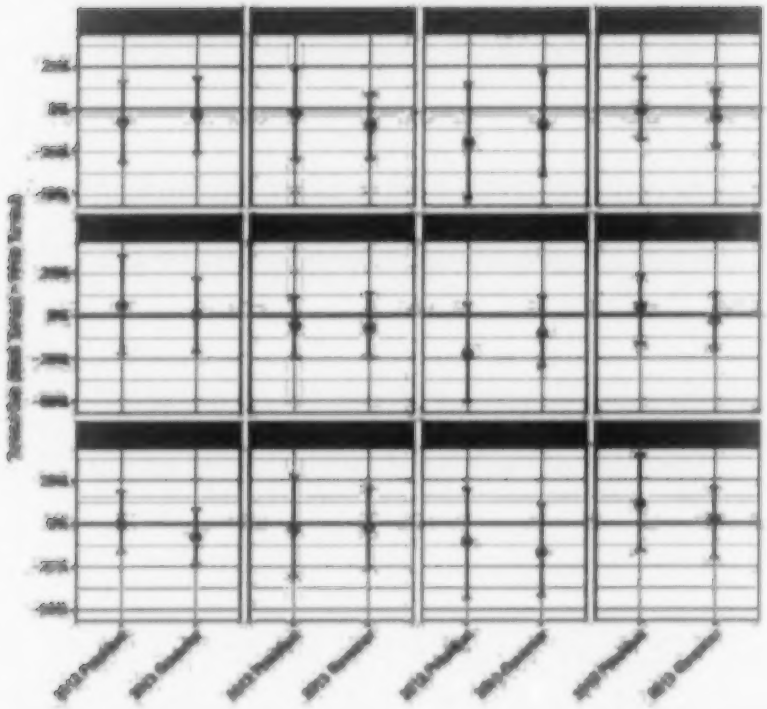


Figure 6: Black-White Turnout Gap in the Challenged Districts Using Ecological Inference (see Table A4 for the full results)

VI. District Demographic Comparisons

44. Dr. Hood provides a demographic comparison of the challenged districts with the non-challenged districts using demographic data from the American Community Survey, and concludes that there are substantive socio-demographic differences between the challenged and non-challenged districts. But Dr. Hood fails to note the extent to which these differences are substantially attributable to the racial differences

between the challenged and non-challenged districts. Table 2, below, replicates Dr. Hood's analysis, and adds a control for the Black population of the district. After controlling for Black population, the differences between the challenged and non-challenged districts are significantly smaller, and in some cases are reversed. For example, without controlling for the size of the Black population, per capita income is $13,552 lower in the challenged districts, and this difference is statistically significant. After controlling for Black population, the difference is reversed and Per Capita Income is $7,159 higher in the challenged districts, but this difference is not statistically significant. The differences on only two variables, the percent below the poverty level and the percent unemployed, remain statistically significant, but are substantially smaller. Controlling for race shows that the socio-economic differences between these districts are themselves due to race.

Table 2: District Demographic Comparisons

	Challenged Districts	All Others	Difference	Difference with Control for Black Pop.
Per Capita Income	22,009.0	35,552.0	-13,543**	7,159
Median Household Income	41,589.0	75,254.0	-33,665**	7,362
% With College Degree	21.2	37.9	-16.7**	11.1
% Below Poverty Level	21.9	10.3	11.6**	7.2*
% on Food Stamps	19.9	8.2	11.7**	5.0
% Unemployed	89.1	94.1	-5.0**	-2.4**
Median House Value	164,342.0	293,250.0	-128,908**	113,923
% Renters	49.6	31.1	18.5**	6.8

* statistically significant at $p < .05$.
** statistically significant at $p < .01$.
Source: 2015 American Community Survey.

VII. Conclusion

45. The undisputed data and my original analysis demonstrate that VTDs (and other geographical units) were consistently divided by race; that African Americans were moved into challenged districts at a higher rate than either Whites or Democrats; that race better predicts the assignment of VTDs to challenged districts than party; and that a 55% BVAP floor was simply not necessary to enable Black voters to elect their candidates of choice in at least 11 of the 12 challenged districts. Neither Dr. Hood's nor Dr. Katz's supplemental reports alter any of my conclusions or my overall conclusion that race predominated in the drawing of the challenged districts.

Table A1: Ecologicl Inference Results - General Elections

District	Race	2012 President		2013 Governor	
		Est.	95% CI	Est.	95% CI
63	Black	0.916	(0.819, 0.970)	0.929	(0.855, 0.974)
	White	0.484	(0.408, 0.559)	0.432	(0.349, 0.514)
	Other	0.618	(0.271, 0.891)	0.663	(0.353, 0.923)
69	Black	0.954	(0.898, 0.987)	0.954	(0.906, 0.985)
	White	0.738	(0.699, 0.820)	0.708	(0.696, 0.846)
	Other	0.794	(0.583, 0.926)	0.775	(0.554, 0.939)
70	Black	0.959	(0.792, 0.965)	0.898	(0.755, 0.969)
	White	0.577	(0.471, 0.714)	0.570	(0.441, 0.743)
	Other	0.773	(0.550, 0.939)	0.716	(0.481, 0.907)
71	Black	0.988	(0.922, 0.997)	0.964	(0.915, 0.989)
	White	0.789	(0.715, 0.838)	0.823	(0.782, 0.883)
	Other	0.694	(0.462, 0.901)	0.533	(0.277, 0.768)
74	Black	0.955	(0.906, 0.984)	0.952	(0.896, 0.984)
	White	0.528	(0.477, 0.587)	0.548	(0.492, 0.634)
	Other	0.738	(0.481, 0.915)	0.697	(0.413, 0.894)
75	Black	0.934	(0.892, 0.955)	0.904	(0.863, 0.941)
	White	0.234	(0.199, 0.282)	0.232	(0.193, 0.281)
	Other	0.674	(0.442, 0.854)	0.557	(0.298, 0.833)
77	Black	0.936	(0.871, 0.974)	0.927	(0.863, 0.972)
	White	0.595	(0.530, 0.659)	0.592	(0.515, 0.675)
	Other	0.621	(0.297, 0.866)	0.642	(0.354, 0.901)
80	Black	0.958	(0.898, 0.990)	0.960	(0.908, 0.991)
	White	0.532	(0.482, 0.599)	0.530	(0.482, 0.592)
	Other	0.842	(0.678, 0.956)	0.806	(0.612, 0.946)
89	Black	0.939	(0.765, 0.991)	0.939	(0.721, 0.991)
	White	0.651	(0.590, 0.737)	0.675	(0.601, 0.762)
	Other	0.771	(0.538, 0.937)	0.690	(0.414, 0.913)
90	Black	0.949	(0.858, 0.986)	0.949	(0.896, 0.985)
	White	0.598	(0.508, 0.692)	0.568	(0.493, 0.659)
	Other	0.764	(0.534, 0.941)	0.659	(0.387, 0.875)
92	Black	0.948	(0.878, 0.990)	0.939	(0.869, 0.971)
	White	0.604	(0.515, 0.709)	0.616	(0.532, 0.712)
	Other	0.639	(0.254, 0.913)	0.688	(0.254, 0.875)
95	Black	0.951	(0.876, 0.991)	0.952	(0.893, 0.989)
	White	0.516	(0.459, 0.601)	0.490	(0.387, 0.535)
	Other	0.869	(0.692, 0.967)	0.802	(0.579, 0.943)

Table A2: Ecological Inference Results - General Elections (2)

District	Race	2013 Lt. Governor Est.	2013 Lt. Governor 95% CI	2013 Attorney Gen. Est.	2013 Attorney Gen. 95% CI
63	Black	0.943	(0.873, 0.983)	0.932	(0.838, 0.978)
	White	0.451	(0.383, 0.541)	0.403	(0.328, 0.528)
	Other	0.540	(0.191, 0.816)	0.469	(0.156, 0.793)
69	Black	0.947	(0.892, 0.986)	0.948	(0.875, 0.986)
	White	0.747	(0.653, 0.855)	0.708	(0.614, 0.819)
	Other	0.726	(0.528, 0.892)	0.722	(0.525, 0.927)
70	Black	0.892	(0.797, 0.958)	0.897	(0.81?, 0.969)
	White	0.611	(0.488, 0.784)	0.545	(0.436, 0.679)
	Other	0.674	(0.390, 0.896)	0.693	(0.372, 0.897)
71	Black	0.932	(0.879, 0.968)	0.951	(0.905, 0.981)
	White	0.807	(0.725, 0.894)	0.756	(0.681, 0.836)
	Other	0.518	(0.241, 0.816)	0.526	(0.214, 0.810)
74	Black	0.954	(0.906, 0.984)	0.953	(0.902, 0.984)
	White	0.549	(0.483, 0.625)	0.498	(0.436, 0.580)
	Other	0.554	(0.256, 0.823)	0.620	(0.321, 0.862)
75	Black	0.924	(0.871, 0.958)	0.910	(0.848, 0.925)
	White	0.332	(0.291, 0.398)	0.198	(0.157, 0.246)
	Other	0.221	(0.221, 0.753)	0.580	(0.312, 0.836)
77	Black	0.924	(0.857, 0.964)	0.934	(0.871, 0.972)
	White	0.517	(0.439, 0.612)	0.501	(0.434, 0.579)
	Other	0.544	(0.234, 0.856)	0.636	(0.348, 0.886)
80	Black	0.932	(0.864, 0.972)	0.964	(0.910, 0.993)
	White	0.549	(0.466, 0.645)	0.451	(0.367, 0.529)
	Other	0.545	(0.263, 0.814)	0.587	(0.315, 0.844)
89	Black	0.939	(0.846, 0.987)	0.915	(0.789, 0.987)
	White	0.7??	(0.647, 0.815)	0.623	(0.546, 0.706)
	Other	0.5.?	(0.219, 0.811)	0.495	(0.247, 0.789)
90	Black	0.949	(0.866, 0.981)	0.948	(0.878, 0.987)
	White	0.611	(0.506, 0.734)	0.513	(0.417, 0.613)
	Other	0.448	(0.138, 0.780)	0.521	(0.187, 0.837)
92	Black	0.929	(0.885, 0.971)	0.933	(0.849, 0.975)
	White	0.591	(0.493, 0.698)	0.537	(0.444, 0.657)
	Other	0.543	(0.195, 0.836)	0.589	(0.263, 0.893)
95	Black	0.948	(0.879, 0.984)	0.949	(0.894, 0.985)
	White	0.478	(0.398, 0.584)	0.416	(0.339, 0.507)
	Other	0.392	(0.101, 0.722)	0.579	(0.263, 0.858)

Table A3: Ecological Inference Results - Democratic Primary Elections

		2008 President		2013 Attorney Gen.	
District	Race	Est.	95% CI	Est.	95% CI
63	Black	0.904	(0.831, 0.951)	0.727	(0.611, 0.811)
	White	0.651	(0.559, 0.705)	0.538	(0.399, 0.710)
	Other	0.496	(0.166, 0.930)	0.527	(0.285, 0.841)
69	Black	0.918	(0.858, 0.959)	0.[illegible]72	(0.646, 0.826)
	White	0.680	(0.571, 0.830)	0.493	(0.348, 0.673)
	Other	0.697	(0.465, 0.896)	0.563	(0.[illegible]72, 0.878)
70	Black	0.902	(0.825, 0.964)	0.599	(0.[illegible]61, 0.749)
	White	0.798	(0.676, 0.921)	0.686	(0.477, 0.887)
	Other	0.543	(0.251, 0.794)	0.631	(0.295, 0.853)
71	Black	0.887	(0.829, 0.935)	0.547	(0.470, 0.630)
	White	0.691	(0.595, 0.783)	0.469	(0.367, 0.580)
	Other	0.569	(0.268, 0.877)	0.537	(0.232, 0.853)
74	Black	0.946	(0.894, 0.981)	0.642	(0.565, 0.72[illegible])
	White	0.623	(0.531, 0.711)	0.492	(0.380, 0.608)
	Other	0.545	(0.272, 0.859)	0.442	(0.143, 0.765)
75	Black	0.923	(0.881, 0.957)	0.683	(0.572, 0.748)
	White	0.576	(0.530, 0.628)	0.463	(0.398, 0.584)
	Other	0.501	(0.228, 0.812)	0.513	(0.210, 0.830)
77	Black	0.937	(0.899, 0.971)	0.855	(0.788, 0.917)
	White	0.534	(0.453, 0.606)	0.552	(0.486, 0.605)
	Other	0.545	(0.235, 0.839)	0.586	(0.236, 0.840)
80	Black	0.921	(0.870, 0.959)	0.736	(0.674, 0.823)
	White	0.395	(0.310, 0.499)	0.336	(0.234, 0.455)
	Other	0.623	(0.329, 0.871)	0.496	(0.181, 0.823)
89	Black	0.912	(0.796, 0.968)	0.718	(0.594, 0.832)
	White	0.402	(0.318, 0.495)	0.347	(0.238, 0.459)
	Other	0.509	(0.198, 0.823)	0.475	(0.163, 0.836)
90	Black	0.898	(0.822, 0.960)	0.777	(0.671, 0.863)
	White	0.672	(0.589, 0.774)	0.575	(0.447, 0.702)
	Other	0.520	(0.183, 0.832)	0.565	(0.278, 0.837)
92	Black	0.938	(0.880, 0.979)	0.897	(0.821, 0.957)
	White	0.650	(0.551, 0.750)	0.596	(0.471, 0.750)
	Other	0.452	(0.144, 0.799)	0.544	(0.237, 0.879)
95	Black	0.902	(0.836, 0.952)	0.850	(0.746, 0.927)
	White	0.698	(0.595, 0.802)	0.639	(0.475, 0.742)
	Other	0.489	(0.175, 0.846)	0.532	(0.194, 0.839)

Table A4: Ecological Inference Results - Turnout Gap (Black Turnout - White Turnout)

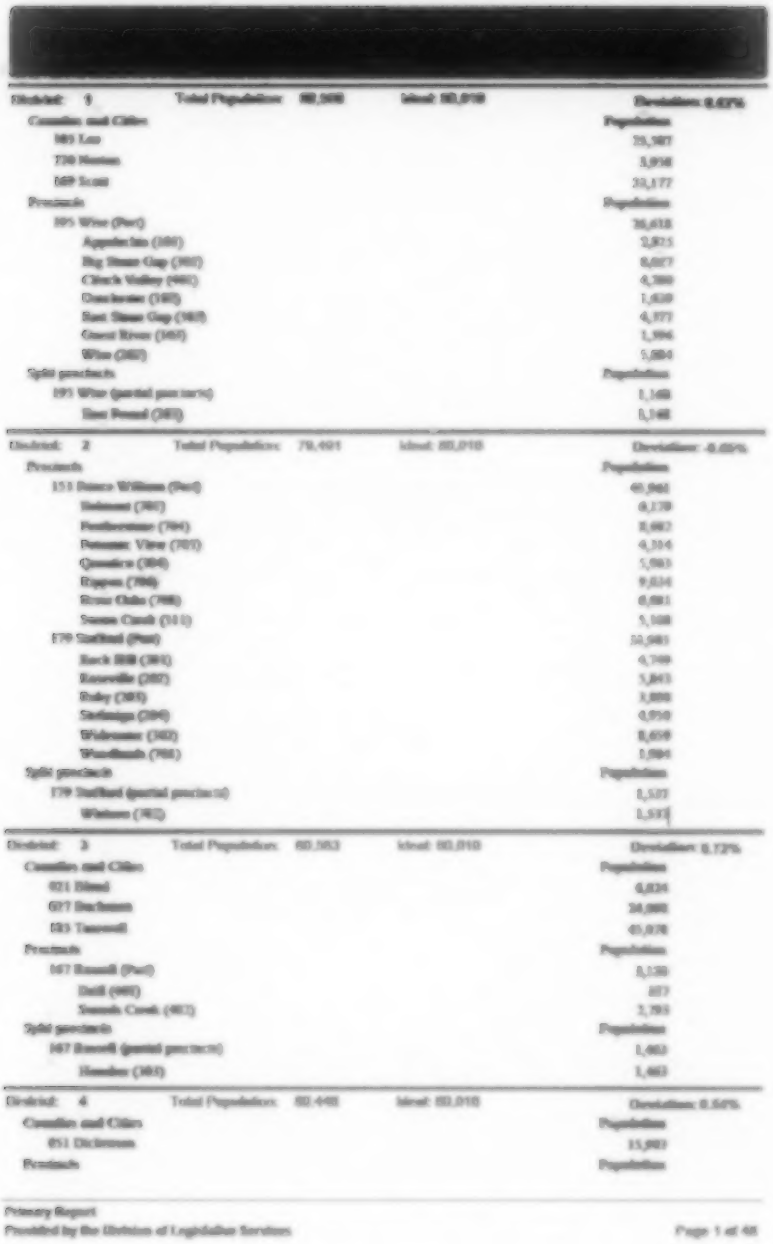
District	2012 President		2013 Governor	
	Est.	95% CI	Est.	95% CI
63	-0.080	(-0.312, 0.163)	-0.039	(-0.255, 0.183)
69	-0.023	(-0.299, 0.247)	-0.101	(-0.297, 0.090)
70	-0.202	(-0.524, 0.149)	-0.102	(-0.395, 0.214)
71	-0.010	(-0.181, 0.177)	-0.056	(-0.214, 0.111)
74	0.069	(-0.219, 0.350)	0.005	(-0.212, 0.218)
75	-0.058	(-0.245, 0.108)	-0.076	(-0.238, 0.137)
77	-0.232	(-0.496, 0.071)	-0.109	(-0.300, 0.106)
80	0.041	(-0.171, 0.239)	-0.031	(-0.204, 0.126)
89	-0.004	(-0.164, 0.186)	-0.077	(-0.236, 0.087)
90	-0.032	(-0.312, 0.274)	-0.030	(-0.255, 0.213)
92	-0.112	(-0.438, 0.203)	-0.172	(-0.418, 0.110)
95	0.111	(-0.164, 0.393)	0.018	(-0.199, 0.208)

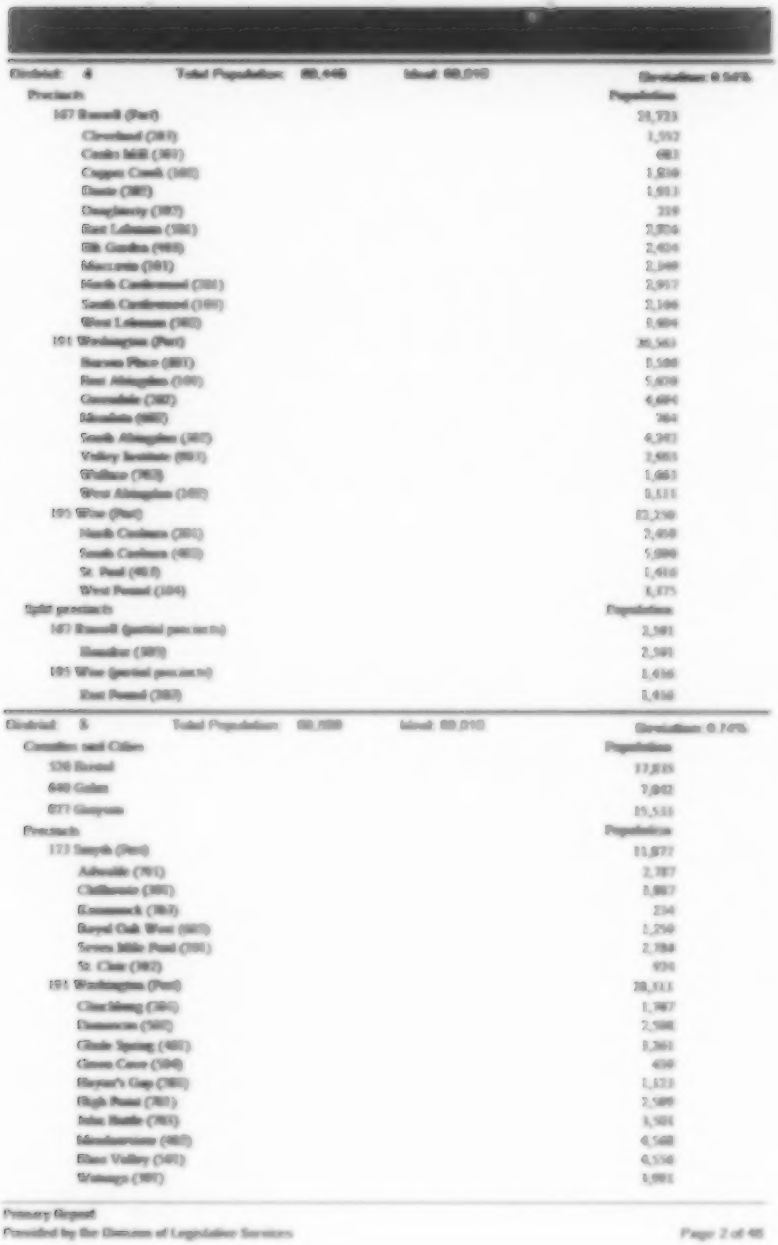
Table A5: Effect of BVAP and Party on Assignment of VTDs to Challenged Districts, Multiple Distance Measures, Weighted by Population

	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	(1)	(2)	(3)	(4)	(5)
BVAP	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Avg. Dem. Vote	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Closest	[illegible]		[illegible]	[illegible]	
	[illegible]		[illegible]	[illegible]	
Mean		[illegible]		[illegible]	
		[illegible]		[illegible]	
Range		[illegible]			
		[illegible]			
Farthest			[illegible]		
			[illegible]		
Median					[illegible]
					[illegible]
Standard Deviation					[illegible]
					[illegible]
Previously in Challenged	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Constant	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

JA 2841

Plaintiffs' Exhibit 73





District:	4	Total Population: 80,448	Ideal: 80,010	Deviation: 0.54%
Precincts				Populations
107 Russell (Part)				28,723
Cleveland (301)				1,552
Cedar Mill (301)				483
Copper Creek (102)				1,520
Dunn (302)				1,513
Dougherty (107)				219
East Lebanon (301)				2,926
Elk Garden (403)				2,424
Marconia (101)				2,169
North Castlewood (201)				2,917
South Castlewood (101)				2,196
West Lebanon (302)				9,604
191 Washington (Part)				30,363
Barnes Place (801)				5,580
East Abingdon (101)				5,639
Greendale (302)				4,694
Meadow (602)				784
South Abingdon (307)				4,343
Valley Institute (501)				3,955
Wallace (703)				1,661
West Abingdon (105)				3,111
193 Wise (Part)				22,250
North Coalburn (201)				2,450
South Coalburn (401)				5,090
St. Paul (403)				1,410
West Pound (104)				3,375
Split precincts				Populations
107 Russell (partial precincts)				2,591
Hamilton (305)				2,591
193 Wise (partial precincts)				1,416
East Pound (203)				1,416

District:	5	Total Population: 80,599	Ideal: 80,010	Deviation: 0.74%
Counties and Cities				Populations
520 Bristol				17,835
640 Galax				7,042
027 Grayson				15,533
Precincts				Populations
173 Smyth (Part)				11,877
Adwolfe (701)				2,787
Chilhowie (301)				1,887
Greenback (703)				234
Royal Oak West (603)				1,250
Seven Mile Ford (705)				2,784
St. Clair (302)				934
191 Washington (Part)				28,313
Cleveland (301)				1,987
Damascus (305)				2,598
Glade Spring (401)				3,261
Green Cove (504)				430
Hayter's Gap (701)				1,133
High Point (701)				2,589
John Battle (703)				3,501
Meadowview (402)				4,568
Rhea Valley (101)				4,550
Watauga (101)				3,991

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District: 6	Total Population: 70,000	Ideal: 69,010		Deviation: 0.59%
Counties and Cities				Population
045 Carroll				30,047
197 Wylie				39,335
Precincts				Population
173 Smyth (Part)				30,531
Adams (101)				2,073
East Park (401)				2,000
Rich Valley (203)				1,007
Royal Oak East (601)				3,340
Saltville (301)				4,314
Sugar Grove (702)				3,753
Weaver (502)				1,565
West Park (407)				1,843
District: 7	Total Population: 69,140	Ideal: 69,010		Deviation: 0.17%
Counties and Cities				Population
063 Floyd				15,279
Precincts				Population
121 Montgomery (Part)				24,206
B-3 (203)				3,281
B-4 (204)				4,397
C-2 (302)				3,385
D-1 (401)				2,082
D-2 (402)				2,927
D-5 Part 1 (405)				3,389
D-6 (406)				1,562
D-7 (407)				3,382
155 Pulaski (Part)				29,041
Draper (201)				7,116
Dublin (301)				4,520
Fairmont (302)				836
Messer (401)				5,613
Newbern (203)				1,486
Robinson (501)				6,082
Snowville (304)				1,885
South Pulaski (202)				1,337
Walker (402)				1,375
West Chapel (107)				2,071
Split precincts				Population
121 Montgomery (partial precincts)				10,740
E-1 (501)				10,740
District: 9	Total Population: 69,005	Ideal: 69,010		Deviation: 0.01%
Counties and Cities				Population
045 Craig				5,190
775 Salem				24,882
Precincts				Population
121 Montgomery (Part)				17,109
A-1 (301)				2,437
B-2 (302)				5,483
C-1 (301)				4,523
C-3 (303)				1,480
C-4 (304)				3,756
161 Roanoke (Part)				41,183
Bennett Springs (107)				1,442
Bent Mountain (301)				640
Castle Rock (301)				4,571

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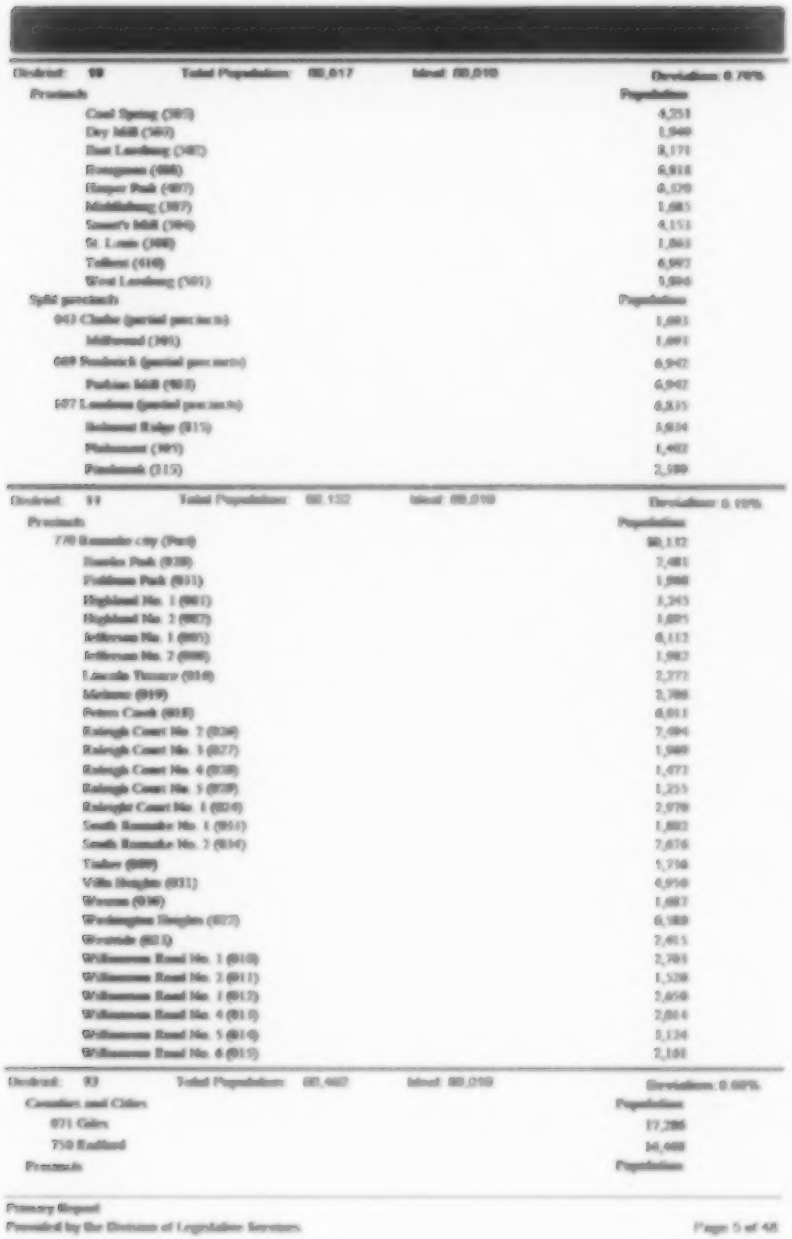
District: 8	Total Population: 69,696	Ideal: 69,019	Deviation: 0.94%
Precincts			Population
Camerin (141)			1,108
Cave Spring (165)			2,385
Cotton Hill (101)			2,231
Glencoe (183)			2,430
Green Hill (186)			5,131
Moore Valley (182)			1,988
Oak Grove (104)			3,962
Pengra Mill (143)			1,884
Wildwood (146)			2,347
Split precincts			Population
161 Roanoke (partial precincts)			1,911
Penn Parrot (163)			1,911

District: 9	Total Population: 69,574	Ideal: 69,019	Deviation: 0.79%
Counties and Cities			Population
141 Patrick			10,490
Precincts			Population
087 Franklin (Part)			40,650
Boones Mill (091)			1,080
Bowmans (181)			1,381
Callaway (103)			2,589
Dickinson (184)			1,102
Dudley (204)			1,451
Endicott (401)			1,684
Penson (402)			1,211
Park Mountain (102)			1,948
Glade Hill (301)			1,641
Gogginsville (304)			1,934
Henry (401)			2,089
Hodgesville (201)			1,189
Peshaah (307)			1,949
Rocky Mount East (701)			1,116
Rocky Mount South (703)			1,981
Rocky Mount West (702)			2,081
Scraggs (305)			4,686
Snow Creek (301)			1,837
Sontag (303)			2,089
Wimbledon (301)			1,781
089 Henry (Part)			15,434
Bassett No. 1 (301)			1,583
Bassett No. 2 (401)			1,546
Collinsville (103)			2,994
Bassett Precinct #1 (202)			2,587
Scott's Tanyard (107)			4,777
Spruce (204)			1,947

District: 10	Total Population: 69,017	Ideal: 69,019	Deviation: 0.70%
Precincts			Population
043 Clarke (Part)			2,616
White Post (401)			2,616
069 Frederick (Part)			8,787
Cooper Valley (401)			4,131
Shenandoah (402)			2,570
107 Loudoun (Part)			51,834
Aldie (309)			1,232
Brandon Park (106)			1,111
Briar Woods (310)			1,181



District:	10	Total Population:	80,017	Ideal: 80,010	Deviation: 0.00%
Precincts				Population
	Coal Spring (302)			4,251
	Dry Mill (305)			1,940
	East Leesburg (302)			8,171
	Evergreen (306)			6,918
	Harper Park (307)			6,329
	Middleburg (307)			1,685
	Stuart's Mill (304)			4,151
	St. Louis (308)			1,861
	Tolbert (410)			6,997
	West Leesburg (301)			5,896
Split precincts				Population
043	Clarke (partial precincts)			1,693
	Millwood (301)			1,691
069	Frederick (partial precincts)			6,942
	Parkins Mill (903)			6,942
107	Loudoun (partial precincts)			6,835
	Belmont Ridge (815)			3,934
	Philomont (305)			1,402
	Pinebrook (315)			2,589

District:	11	Total Population:	80,132	Ideal: 80,010	Deviation: 0.15%
Precincts				Population
770	Roanoke city (Part)			80,132
	Bambo Park (938)			2,481
	Fieldmore Park (931)			1,988
	Highland No. 1 (901)			3,245
	Highland No. 2 (907)			1,895
	Jefferson No. 1 (905)			6,112
	Jefferson No. 2 (906)			1,983
	Lincoln Terrace (916)			2,771
	Melrose (919)			2,788
	Peters Creek (918)			6,011
	Raleigh Court No. 2 (926)			2,694
	Raleigh Court No. 3 (927)			1,969
	Raleigh Court No. 4 (928)			1,477
	Raleigh Court No. 5 (929)			1,255
	Raleigh Court No. 6 (924)			2,979
	South Roanoke No. 1 (951)			1,803
	South Roanoke No. 2 (934)			2,676
	Tudor (909)			5,794
	Villa Heights (931)			4,950
	Weems (936)			1,687
	Washington Heights (922)			6,589
	Westside (823)			2,415
	Williamson Road No. 1 (910)			2,701
	Williamson Road No. 2 (911)			1,529
	Williamson Road No. 3 (917)			2,059
	Williamson Road No. 4 (913)			2,014
	Williamson Road No. 5 (914)			3,134
	Williamson Road No. 6 (915)			2,101

District:	93	Total Population:	80,460	Ideal: 80,010	Deviation: 0.60%
Counties and Cities				Population
071	Giles			17,286
750	Radford			16,408
Precincts				Population

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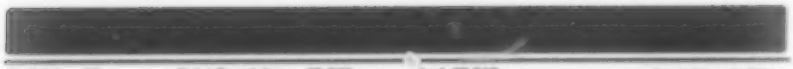
District: 12	Total Population: 60,467	Ideal: 60,010		Deviation: 0.69%
Precincts				Population
121 Montgomery (Part)				48,113
A-2 (102)				1,948
A-3 (103)				4,009
B-1 (201)				2,040
D-1 Part 2 (4012)				1
E-2 (305)				1,367
F-1 (401)				7,824
F-2 (402)				5,503
G-1 (501)				5,222
G-2 (502)				8,113
153 Pulaski (Part)				5,031
Bahgang (101)				1,313
New Bern (102)				3,718
Split precincts				Population
121 Montgomery (partial precincts)				654
E-1 (301)				654

District: 13	Total Population: 60,579	Ideal: 60,010		Deviation: 0.71%
Counties and Cities				Population
685 Montrose Park				14,273
Precincts				Population
153 Prince William (Part)				60,754
Buckland Mills (110)				7,048
Bull Run (901)				1,460
Gladwick (408)				3,057
Lawrence (113)				4,486
Malibu (611)				8,171
Pace West (613)				7,914
Parkside (105)				9,005
Signal Hill (314)				4,177
Stanton (404)				6,718
Shelley Heath (409)				6,096
Split precincts				Population
153 Prince William (partial precincts)				5,532
Battlefield (402)				80
Stonewall (405)				5,472

District: 14	Total Population: 70,467	Ideal: 60,010		Deviation: 6.75%
Counties and Cities				Population
500 Danville				40,955
Precincts				Population
680 Henry (Part)				15,845
Penmore (604)				2,250
Hideaway (902)				1,739
Irvinton (303)				2,862
Mount Olivet (304)				2,907
Ridgeway #1 (601)				3,242
Ridgeway #2 (604)				2,825
143 Pittsylvania (Part)				30,504
Buchanan Hall (702)				2,222
Renville (806)				2,019
Perry Road (703)				614
Rowling (402)				3,083
Rustwick (404)				1,978
Mt. Hermon (704)				4,136
Ringgold (405)				3,933

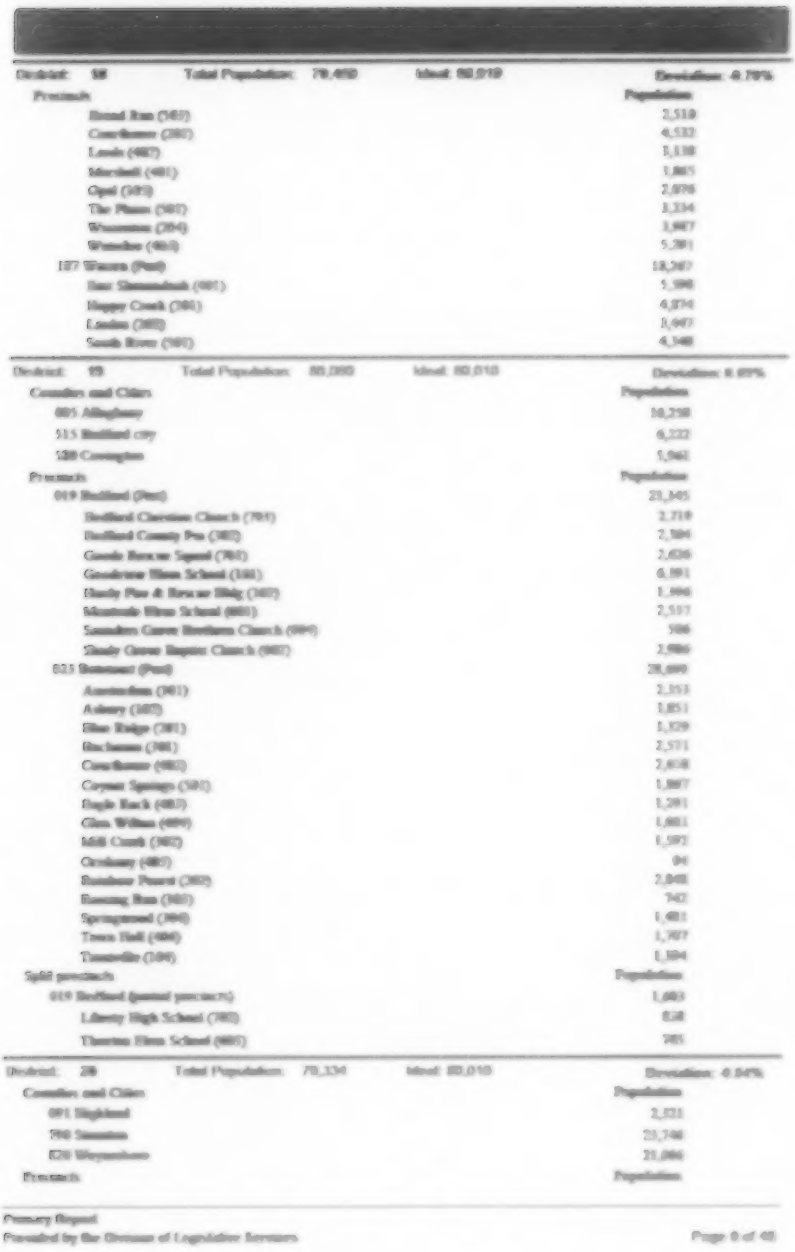
District:	14	Total Population: 79,457	Ideal: 80,010	Deviation: -0.75%
Precincts				Population
	Stony Mill (003)			2,499
Split precincts				Population
	089 Henry (partial precincts)			953
	Axton (902)			853
District:	93	Total Population: 80,630	Ideal: 80,010	Deviation: 0.77%
Counties and Cities				Population
	139 Page			24,843
	171 Shenandoah			41,981
Precincts				Population
	165 Rockingham (Part)			1,302
	Lacey Spring (105)			1,694
	Tenth Legion (304)			1,050
	187 Warren (Part)			9,629
	Bentonville (502)			1,379
	Browntown (504)			1,017
	Fork Town (901)			2,089
	Glendress (903)			2,304
	Waredale (305)			2,020
Split precincts				Population
	165 Rockingham (partial precincts)			1,604
	Plains (107)			1,804
District:	95	Total Population: 79,892	Ideal: 80,010	Deviation: -0.48%
Counties and Cities				Population
	690 Martinsville			13,821
Precincts				Population
	089 Henry (Part)			21,567
	Collinsville Number 1 (401)			1,889
	Collinsville Number 2 (404)			3,119
	Daniel's Creek (402)			2,641
	Dyers Store (305)			1,956
	Fieldale (206)			1,573
	Figsboro (302)			2,002
	Hemingstone #2 (203)			1,839
	Mountain Valley (307)			1,945
	Mountain View (405)			1,604
	Oak Level (306)			1,939
	Shadeystown (303)			1,939
	143 Pittsylvania (Part)			43,533
	Ameskin (002)			534
	Calloads (201)			1,880
	Central (301)			2,300
	Chesbens (105)			1,963
	Climax (204)			1,450
	Dry Fork (407)			948
	East Hines (307)			2,137
	East Gretna (309)			1,488
	Gretna (207)			3,396
	Hurt (501)			3,435
	Motley Sycamore (102)			1,669
	Mt. Airy (408)			863
	Mt. Cross (705)			2,851
	Ringgold (503)			1,750
	Riceville (307)			1,669
	Stanley Level (204)			1,482



District: 95	Total Population: 70,862	Ideal: 69,010	Deviation: -0.49%
Precincts			Population
Summerville (004)			2,210
Thornhill (106)			1,955
Twin Springs (101)			4,375
West Ellsers (108)			1,332
Whitmell (005)			1,899
Split precincts			Population
089 Henry (partial precincts)			1,782
Axton (102)			1,782

District: 97	Total Population: 69,631	Ideal: 69,010	Deviation: 0.78%
Precincts			Population
023 Eastmont (Part)			4,449
Cloverdale (502)			4,449
161 Roanoke (Part)			58,865
Bonsack (402)			808
Botetourt Springs (204)			2,952
Burlington (202)			2,304
Cloverbrook (505)			2,363
Green Mill (306)			2,607
Hollins (204)			2,198
Hunting Hills (307)			3,223
Lindenwood (405)			4,079
Mount Pleasant (406)			3,856
Mount Vernon (508)			2,151
Mountain View (205)			3,866
North Vinton (403)			3,933
Northside (304)			2,041
Ogden (509)			3,133
Orchards (205)			4,587
Peters Creek (105)			3,972
Plantation (201)			3,435
South Vinton (404)			4,452
Windsor Hills (303)			2,158
770 Roanoke city (Part)			16,900
Garden City (057)			3,758
Grandin Court (072)			3,889
Jefferson-Riverdale (087)			4,228
Lee-Hi (045)			3,468
Monterey (017)			3,757
Split precincts			Population
161 Roanoke (partial precincts)			417
Penn Forest (502)			417

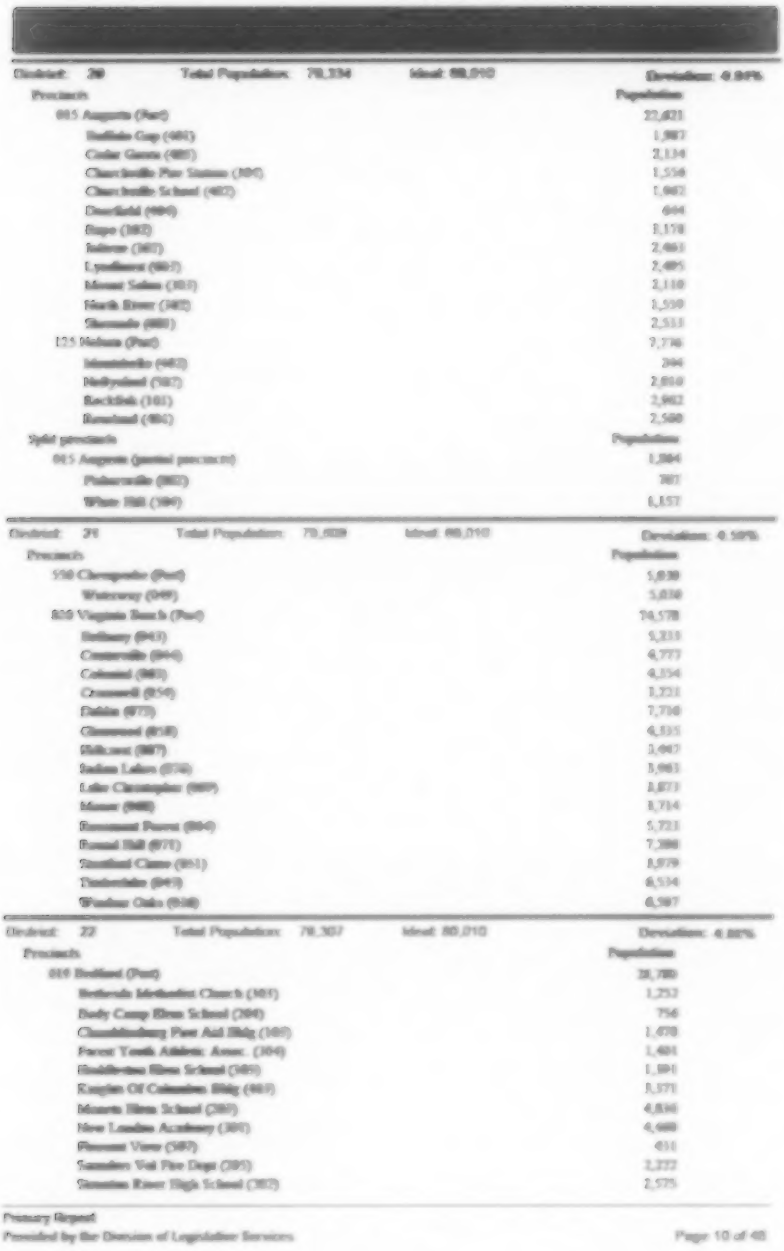
District: 98	Total Population: 70,470	Ideal: 69,010	Deviation: 2.78%
Counties and Cities			Population
157 Rappahannock			7,373
Precincts			Population
047 Culpeper (Part)			12,895
Brandy Station (702)			1,681
Eggbannonville (302)			2,703
Jeffersonton (501)			4,978
Rixeyville (502)			1,469
681 Prospect (Part)			40,915
Archie (202)			2,326
Baldwin Ridge (203)			4,319
Bowleton (305)			5,737



District:	58	Total Population:	79,450	Ideal: 80,019
				Deviation: -0.70%
Precinct				Population
	Bend Run (540)			2,510
	Courthouse (202)			4,532
	Leeds (402)			1,138
	Marshall (401)			1,885
	Opal (305)			2,076
	The Plains (501)			3,334
	Wisconsin (204)			3,987
	Waterloo (401)			5,381
107	Waters (Part)			18,287
	East Shenandoah (601)			5,590
	Happy Creek (201)			4,074
	Landau (303)			3,947
	South River (501)			4,340

District:	59	Total Population:	80,080	Ideal: 80,019
				Deviation: 0.05%
Counties and Cities				Population
005	Allegheny			10,250
515	Bedford city			6,222
520	Covington			5,961
Precincts				Population
019	Bedford (Part)			23,345
	Bedford Cherokee Church (701)			2,719
	Bedford County Pre (302)			2,704
	Goode Rescue Squad (702)			2,620
	Goodview Elem School (101)			6,891
	Hardy Fire & Rescue Bldg (302)			1,996
	Montvale Elem School (601)			2,517
	Saunders Grove Brethren Church (899)			986
	Shady Grove Baptist Church (602)			2,986
023	Botetourt (Part)			28,099
	Amsterdam (901)			2,353
	Asbury (102)			1,851
	Blue Ridge (301)			1,329
	Buchanan (501)			2,571
	Courthouse (902)			2,618
	Cayuse Springs (503)			1,867
	Eagle Rock (403)			1,291
	Glen Wilton (699)			1,601
	Mill Creek (502)			1,593
	Oriskany (403)			94
	Rainbow Forest (303)			2,048
	Running Run (303)			742
	Springwood (304)			1,401
	Town Hall (404)			1,707
	Troutville (104)			1,504
Split precincts				Population
019	Bedford (partial precincts)			1,683
	Liberty High School (702)			868
	Thomas Elem School (601)			585

District:	28	Total Population:	70,334	Ideal: 80,019
				Deviation: -0.84%
Counties and Cities				Population
091	Highland			2,321
790	Staunton			23,746
820	Waynesboro			21,066
Precincts				Population



District: 20	Total Population: 78,334	Ideal: 80,010		Deviation: -0.84%
Precincts				Population
005 Augusta (Part)				22,621
Buffalo Gap (401)				1,987
Cedar Grove (405)				2,134
Churchville Fire Station (304)				1,556
Churchville School (402)				1,902
Deerfield (404)				694
Hope (302)				3,178
Jolivue (303)				2,463
Lyndhurst (607)				2,495
Mount Solon (301)				2,110
North River (305)				1,559
Shenvalee (608)				2,553
125 Nelson (Part)				7,746
Idomeneio (603)				394
Nellysford (707)				2,010
Rockfish (101)				2,902
Roseland (904)				2,500
Split precincts				Population
005 Augusta (partial precincts)				1,304
Pulaskiville (802)				387
White Hill (304)				1,157

District: 21	Total Population: 79,009	Ideal: 80,010		Deviation: -0.58%
Precincts				Population
550 Chesapeake (Part)				5,030
Waterway (949)				5,030
810 Virginia Beach (Part)				74,578
Bellamy (943)				5,333
Centerville (944)				4,777
Colonial (903)				4,354
Cranewell (854)				3,221
Dahlia (973)				7,710
Glenwood (918)				4,335
Hillcrest (887)				3,047
Indian Lakes (934)				3,983
Lake Christopher (889)				3,873
Manor (988)				3,714
Rosemont Forest (864)				5,723
Round Hill (971)				7,388
Stratford Chase (961)				3,979
Timberlake (843)				6,534
Windsor Oaks (938)				6,587

District: 22	Total Population: 79,307	Ideal: 80,010		Deviation: -0.88%
Precincts				Population
010 Bedford (Part)				28,780
Bethesda Methodist Church (301)				1,753
Body Camp Elem School (204)				756
Chamblinsburg Fire And Bldg (305)				1,470
Forest Youth Athletic Assoc. (304)				1,401
Goodview Elem School (303)				1,391
Kingdom Of Calmness Bldg (403)				1,371
Moneta Elem School (207)				4,836
New London Academy (306)				4,660
Pleasant View (307)				431
Saunders Vol Fire Dept (201)				2,277
Staunton River High School (302)				2,575

District: 22 Total Population: 79,307 Ideal: 88,010 Deviation: -9.89%

Precincts	Population
Thomas Jefferson Elem School (402)	4,871
031 Campbell (Part)	17,154
August (001)	2,376
Brookside (101)	3,057
Kings (402)	2,986
New London (107)	3,577
Walker (201)	5,278
067 Franklin (Part)	9,569
Rushmark (007)	2,719
Stone Chimney (103)	4,704
Cougar's Cave (001)	3,970
680 Lynchburg (Part)	23,884
Second Ward First Precinct (201)	7,306
Second Ward Second Precinct (302)	5,342
Second Ward Third Precinct (303)	2,429
Third Ward First Precinct (901)	3,086
Third Ward Second Precinct (902)	2,824
Third Ward Third Precinct (903)	2,987

District: 23 Total Population: 79,330 Ideal: 88,010 Deviation: -9.89%

Precincts	Population
009 Amherst (Part)	8,589
Madison (301)	6,234
Wright Shop (401)	2,271
019 Bedford (Part)	12,953
Big Island Elem School (107)	1,104
Boonsboro Elem School (305)	2,702
Boonsboro Ruritan Club (306)	2,080
Forest Elem School (401)	3,055
Odd Fellows Hall (304)	314
Sedalia Center (303)	1,356
Sack Springs (704)	882
680 Lynchburg (Part)	53,784
First Ward Fifth Precinct (103)	2,389
First Ward First Precinct (101)	7,491
First Ward Fourth Precinct (104)	2,133
First Ward Second Precinct (102)	3,815
First Ward Third Precinct (301)	2,942
Fourth Ward First Precinct (601)	6,017
Fourth Ward Fourth Precinct (604)	4,871
Fourth Ward Second Precinct (602)	2,379
Fourth Ward Third Precinct (603)	4,734
Third Ward Fifth Precinct (305)	4,325
Third Ward Fourth Precinct (304)	9,697

Split precincts	Population
009 Amherst (partial precincts)	2,171
Amelon (401)	1,537
Elon (302)	634
019 Bedford (partial precincts)	3,995
Liberty High School (702)	2,152
Thaxton Elem School (601)	1,843

District: 24 Total Population: 79,079 Ideal: 88,010 Deviation: -9.41%

Counties and Cities	Population
017 Bath	4,731
530 Buena Vista	6,958

District: 34	Total Population: 78,879	Ideal: 80,010		Deviation: -0.41%
Counties and Cities				Population
670 Lexington				7,042
563 Rockbridge				22,307
Precincts				Population
089 Amherst (Part)				15,453
Coolwell (301)				1,397
Courthouse (301)				4,730
Leuco (402)				1,865
Monroe (901)				1,973
New Glasgow (102)				2,938
Pleasant View (360)				1,050
Temperance (202)				1,735
015 Augusta (Part)				10,942
Craigsville (401)				3,071
Greenville (501)				3,080
Middlebrook (302)				1,589
Spottswood (301)				1,780
Staunton Ward (602)				5,452
Split precincts				Population
089 Amherst (partial precincts)				6,777
Amelon (901)				3,458
Elon (302)				2,704
015 Augusta (partial precincts)				2,311
White Hill (304)				2,311
District: 35	Total Population: 80,011	Ideal: 80,010		Deviation: 0.00%
Precincts				Population
003 Albemarle (Part)				30,275
Hollydell (204)				1,730
Brownsville (804)				4,642
Crozet (601)				5,505
Ivy (401)				4,435
Jack Mount (201)				3,182
Yellow Mountain (905)				951
015 Augusta (Part)				27,888
Crimson (201)				4,830
Dixon (801)				2,944
Fort Defiance (301)				3,976
New Hope (302)				2,823
Verona (103)				5,353
Weyers Cave (203)				3,948
Wilson (501)				4,305
165 Rockingham (Part)				36,599
Bridgewater (901)				5,644
Gardnon (304)				2,680
Mountain Springs (301)				7,330
Montezuma (402)				2,612
Mt. Crawford (401)				407
North River (303)				1,788
Onishine (207)				3,994
Port Republic (302)				2,402
Split precincts				Population
003 Albemarle (partial precincts)				1,145
East Ivy (304)				1,145
015 Augusta (partial precincts)				4,104
Pulaski ville (802)				4,104

District: 26	Total Population: 68,090	Ideal: 68,010		Deviation: 0.05%
Counties and Cities				Population
660 Harrisonburg				48,914
Precincts				Population
165 Rockingham (Part)				20,776
Bergton (104)				700
Broadway (101)				3,587
Dayton (404)				1,510
Edom (202)				1,956
Pollie Ree (103)				2,608
Keezletown (301)				1,783
Melrose (203)				3,651
Mt. Clinton (304)				2,010
Silver Lake (405)				4,982
Singers Glen (201)				2,015
Stony Run (305)				2,950
Timberville (102)				1,922
Split precincts				Population
165 Rockingham (partial precincts)				1,998
Plains (107)				1,998
District: 27	Total Population: 70,301	Ideal: 68,010		Deviation: 0.75%
Precincts				Population
041 Chesterfield (Part)				69,548
Beaufont (513)				2,340
Crenshaw (614)				5,171
Crestwood (507)				2,086
Deer Run (302)				1,978
Greate (402)				7,899
Harbour Pointe (404)				2,485
Hagemont (501)				3,698
Incahe (304)				2,953
La Prade (405)				3,925
Manchester (409)				4,838
Manscan (407)				2,176
Providence (404)				4,229
Reams (408)				6,138
S. Manchester (308)				4,514
Spring Run (316)				4,980
St. Lukes (212)				2,799
Wagstaff (410)				2,841
Watkins (514)				4,977
Split precincts				Population
041 Chesterfield (partial precincts)				9,813
Bailey Bridge (315)				4,353
Dawn (515)				941
Evergreen (317)				4,519
District: 28	Total Population: 70,304	Ideal: 68,010		Deviation: 0.88%
Precincts				Population
630 Fredericksburg (Part)				8,252
District 2 (301)				5,885
District 4-Precinct 3 (402)				3,367
579 Stafford (Part)				60,110
Aquia (408)				7,172
Brooke (403)				7,208
Chatham (602)				5,487
Courthouse (402)				7,425
Deese (503)				3,051

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District:	29	Total Population:	70,304	Ideal: 69,010	Deviation: 0.99%
Precincts					Population
	Polemouth (502)				5,007
	Priory Pines (601)				4,092
	Gayle (504)				6,755
	Grafton (505)				4,359
	Grellin (502)				4,711
	Harbor (503)				4,103
	White Oak (603)				5,439
Split precincts					Population
	610 Fredericksburg (partial precincts)				698
	District 4 (601)				698
	179 Stafford (partial precincts)				4,344
	Hampton (703)				4,344
District:	39	Total Population:	70,651	Ideal: 69,010	Deviation: 0.29%
Counties and Cities					Population
	840 Winchester				28,301
Precincts					Population
	660 Frederick (Part)				42,788
	Allen (501)				4,829
	Canterbury (303)				6,040
	Cedar Creek (104)				2,466
	Gainesborough (301)				3,253
	Gore (102)				6,501
	Kernstown (107)				2,307
	Newtown (502)				4,645
	Redland (201)				6,670
	Stonewall (101)				3,277
	Stephens City (302)				3,457
	White Hall (103)				3,223
	187 Warren (Part)				9,879
	North Brow (301)				3,375
	Robinson (307)				961
	Riverton (302)				1,076
	West Shenandoah (402)				2,505
Split precincts					Population
	660 Frederick (partial precincts)				1,263
	Perkins Mill (403)				1,263
District:	30	Total Population:	69,103	Ideal: 69,010	Deviation: 0.72%
Counties and Cities					Population
	113 Madison				13,308
	137 Orange				11,481
Precincts					Population
	047 Culpeper (Part)				33,794
	Brown's Store (402)				3,981
	Cashaw (503)				2,911
	East Pardee (201)				7,113
	Eldorado (404)				2,366
	Lignum (701)				1,738
	Mitchells (601)				2,065
	Pearl Temple (603)				1,470
	Richardsville (704)				874
	West Pardee (101)				9,367
District:	31	Total Population:	70,210	Ideal: 69,010	Deviation: 1.69%
Precincts					Population

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District:	39	Total Population: 79,210	Ideal: 80,010	Deviation: -1.00%
Precincts				Population
861	Pompano (Part)			15,388
	Carnarvon (169)			1,789
	Carlton (402)			4,290
	Kettle Run (301)			2,563
	New Baltimore (302)			6,479
910	Prince William (Part)			53,295
	Ashland (300)			5,080
	Seville (303)			4,499
	Bairegrove (600)			6,386
	Forest Park (310)			3,702
	King (304)			3,368
	Lodge (307)			6,016
	Montclair (308)			5,312
	Polk (309)			7,687
	Potter (305)			4,158
	Powell (231)			1,383
	Saunders (301)			7,424
	Washington-Reid (306)			1,080
Split precincts				Population
153	Prince William (partial precincts)			10,014
	Benton (309)			2,848
	Godwin (401)			3,710
	Henderson (307)			1,808
	Manassville (607)			458

District:	30	Total Population: 80,300	Ideal: 80,010	Deviation: 0.32%
Precincts				Population
107	Loudoun (Part)			71,548
	Algonkian (300)			5,130
	Ashburn Penn (103)			6,618
	Cedar Lane (210)			4,273
	Dominion (811)			6,987
	Eagle Ridge (106)			6,191
	Peacewell Station (812)			3,378
	Hillside (105)			5,746
	Newton-Lee (804)			8,289
	Russell Branch (809)			6,307
	Sanders Corner (101)			4,018
	Seldon's Landing (813)			7,754
	Stone Bridge (808)			4,980
	Weller (814)			4,475
Split precincts				Population
107	Loudoun (partial precincts)			8,738
	Belmont Ridge (811)			4,858
	Countryside (113)			948
	Mill Run (110)			3,722

District:	33	Total Population: 80,569	Ideal: 80,010	Deviation: 0.67%
Precincts				Population
841	Clarke (Part)			6,647
	Berryville (201)			3,396
	Blue Ridge (102)			710
	Buckmarsh (301)			2,135
	Pine Grove (302)			603
	Russell (104)			2,162
669	Frederick (Part)			38,687

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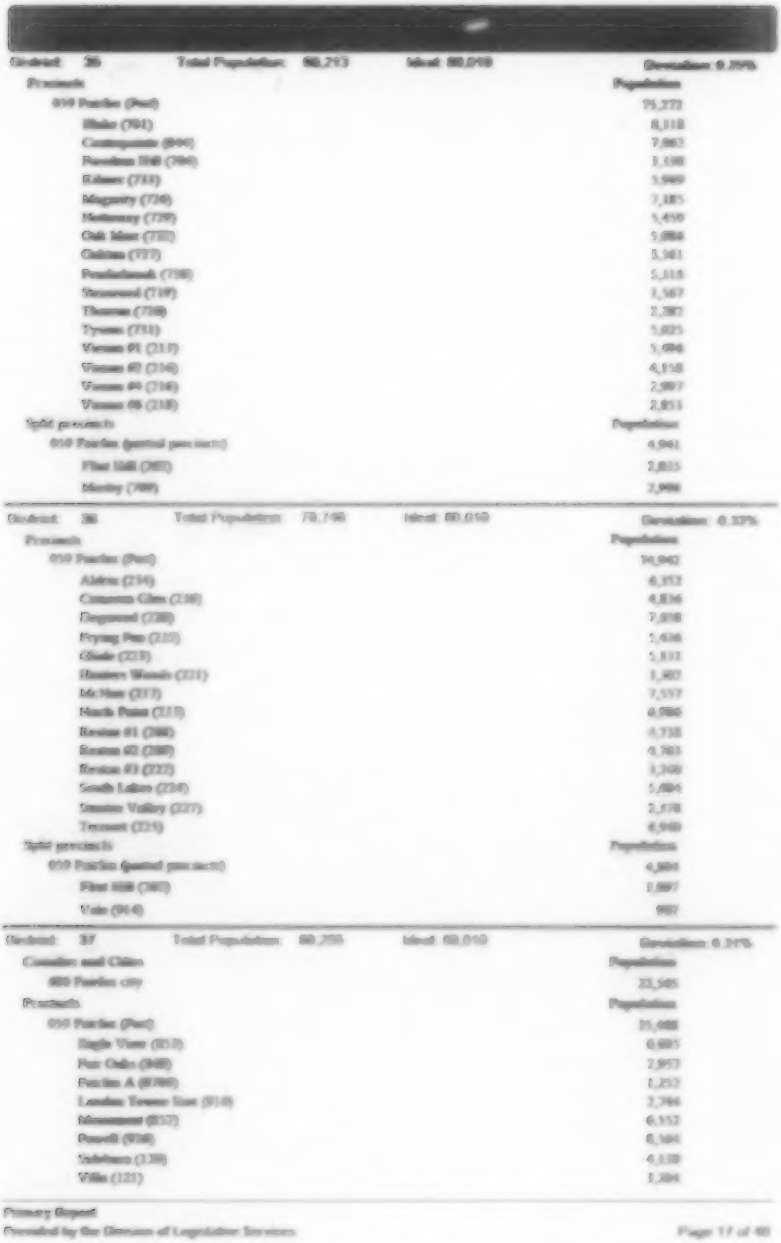
District: 39	Total Population: 88,559	Ideal: 88,010	Deviation: 0.63%
Precincts			Population
Ark Hollow (003)			4,167
Clear Brook (104)			2,486
Greenwood (003)			5,463
Millbrook (001)			3,109
Wells Town (302)			1,582
107 Loudoun (Part)			49,033
Bells Bluff (406)			4,071
Between The Hills (106)			915
Cedars Gap (009)			2,369
East Lawrenceville (411)			2,829
Germany (407)			2,173
Hamilton (304)			5,215
Hastings (412)			2,099
Hillsboro (303)			2,984
Lochem (403)			3,649
Pawnbroke One (301)			6,173
Pawnbroke Two (310)			4,721
Round Hill (307)			2,952
Watershed (405)			3,386
West Lawrenceville (401)			3,694
Woodgrove (311)			3,331
Split precincts			Population
043 Clarke (partial precincts)			91
Millwood (304)			91
107 Loudoun (partial precincts)			1,105
Philomont (301)			1,105

District: 24	Total Population: 88,777	Ideal: 88,010	Deviation: 0.89%
Precincts			Population
019 Fairfax (Part)			52,005
Clara Bridge (104)			4,726
Churchill (303)			2,978
Colvin (330)			5,240
Cooper (304)			2,983
Forestville (322)			4,234
Great Falls (306)			3,535
Hickory (328)			4,223
Kenmore (309)			4,566
Langley (311)			2,730
Seneca (329)			4,447
Tysons (323)			5,050
Spring Hill (331)			5,013
Westmore (235)			5,388
Wolftrap (238)			4,460
107 Loudoun (Part)			27,421
Lenox Island (007)			5,504
Potomac Falls (209)			5,782
River Road (209)			2,570
Seneca (008)			5,679
South Bank (009)			4,246
Sugarland North (004)			4,750
Sugarland South (007)			5,086
Split precincts			Population
019 Fairfax (partial precincts)			5,236
Solmo (316)			5,236



District:	36	Total Population: 80,293	Ideal: 80,010	Deviation: 0.35%
Precincts				Population
010 Pardee (Part)				35,272
Blake (701)				8,118
Cunningame (804)				7,867
Freedom Hill (706)				1,198
Kilmer (733)				5,949
Magnetty (726)				7,385
Mahoney (729)				5,459
Oak Mere (702)				5,084
Quinn (727)				3,301
Pendlebrook (708)				5,318
Stonewood (719)				5,567
Thomas (708)				2,387
Tyson (751)				5,025
Vinson 01 (210)				5,494
Vinson 02 (216)				4,518
Vinson 04 (216)				2,997
Vinson 05 (218)				2,851
Split precincts				Population
010 Pardee (partial precincts)				4,941
Pine Hill (202)				2,835
Morley (709)				2,906

District:	36	Total Population: 79,749	Ideal: 80,010	Deviation: -0.33%
Precincts				Population
010 Pardee (Part)				34,942
Aldrin (234)				6,353
Cimarron Glen (230)				4,836
Dogwood (720)				7,058
Frying Pan (210)				5,636
Glade (213)				5,812
Hunters Woods (221)				3,907
McNair (217)				7,557
Meeks Pond (215)				6,980
Ravine 01 (208)				4,718
Ravine 02 (208)				6,703
Ravine 03 (222)				3,349
South Lakes (224)				5,084
Stanton Valley (227)				2,578
Tennent (215)				6,940
Split precincts				Population
010 Pardee (partial precincts)				4,864
Pine Hill (202)				1,897
Vale (904)				967

District:	37	Total Population: 80,259	Ideal: 80,010	Deviation: 0.31%
Counties and Cities				Population
480 Pardee city				33,585
Precincts				Population
010 Pardee (Part)				35,488
Eagle View (810)				6,695
Fox Oaks (840)				2,957
Pardee A (8700)				1,253
London Tower Inn (910)				2,766
Monument (837)				6,552
Powell (936)				6,564
Sidebars (139)				4,110
Villa (121)				1,304

Cluster:	**37**	**Total Population:**	**69,755**	**Ideal: 60,010**	**Deviation: 0.31%**
Split precincts					**Population**
010 Pardee (partial precincts)					22,387
London Towne West (024)					4,019
Morley (700)					6,938
Stone (917)					3,052
Willow Springs (051)					3,327
Woodson (117)					4,956
Cluster:	**38**	**Total Population:**	**69,750**	**Ideal: 60,010**	**Deviation: 0.32%**
Precincts					**Population**
010 Pardee (Part)					71,560
Bancroft (502)					4,040
Belvedere (301)					2,407
Braxton (302)					5,583
Brush Hill (531)					3,774
Columbus (518)					6,582
Hastings (106)					9,805
Holmes #1 (506)					5,521
Holmes #2 (516)					3,480
Hunsaker (519)					2,778
Lincolnton (707)					6,715
Mooresville (508)					3,040
Parkhaven (510)					3,391
Poe (528)					4,250
Ravenswood (511)					3,320
Saint Albans (513)					3,711
Sleepy Hollow (532)					3,978
Westhaven (515)					3,004
Split precincts					**Population**
010 Pardee (partial precincts)					9,198
Embryn (501)					4,088
Waynesboro (516)					5,110
Cluster:	**39**	**Total Population:**	**69,710**	**Ideal: 60,010**	**Deviation: 0.87%**
Precincts					**Population**
010 Pardee (Part)					74,612
Allens (827)					2,347
Bow Mar (526)					6,116
Chapel (109)					3,156
Crestwood (415)					4,990
Edsall (527)					2,851
Garfield (417)					6,213
Greenspring (426)					3,010
Kings Park (408)					4,131
Lenwood (531)					1,483
Long Branch (127)					2,598
Lynbrook (418)					4,867
North Springfield # 1 (110)					1,674
North Springfield # 2 (111)					1,026
Oak Hill (313)					1,019
Pioneer (909)					9,305
Ravenswerth (115)					2,466
Ridgeview (528)					1,027
Saratoga (826)					7,395
Wakefield (130)					2,986
Split precincts					**Population**
010 Pardee (partial precincts)					6,098

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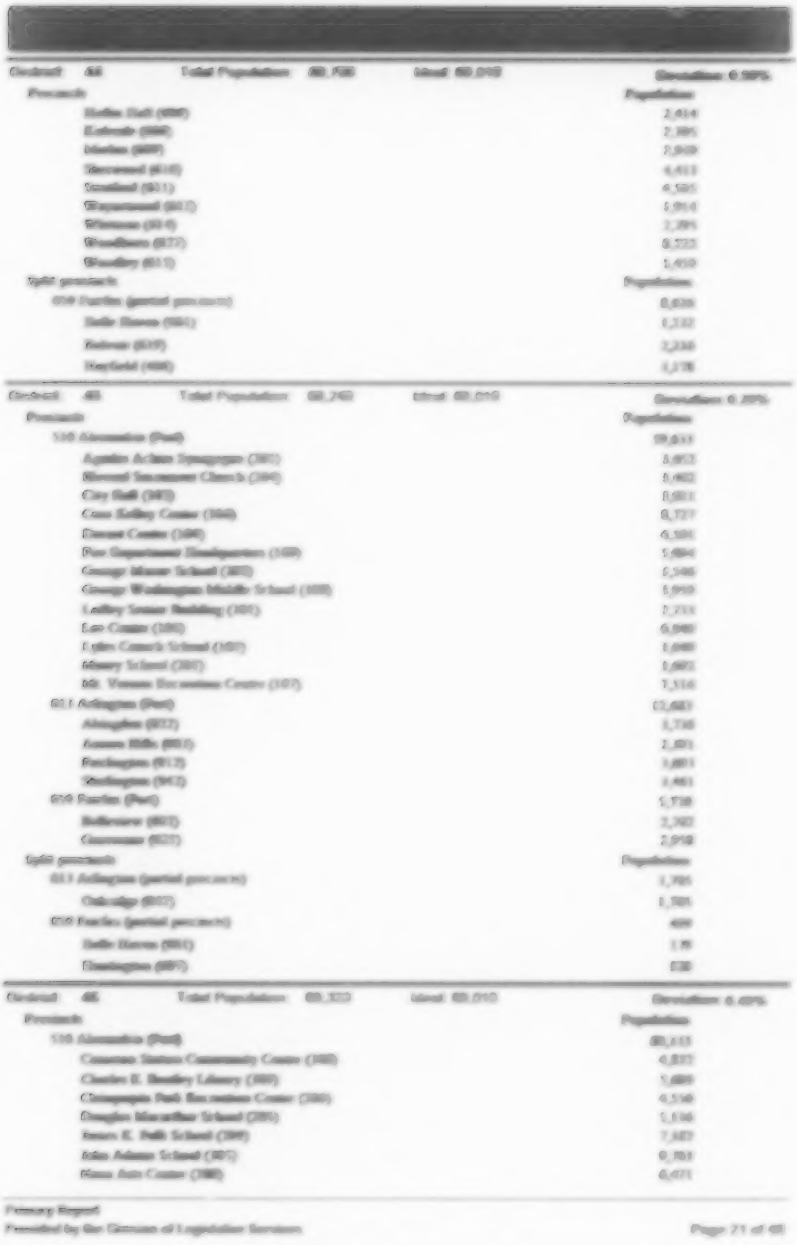
District: 39	Total Population: 68,710	Ideal: 68,010		Deviation: 0.87%
Split precincts				Population
Camelot (522)				1,581
Lake Braddock (110)				488
Lane (919)				6,807
Weymouth (108)				1,922
District: 40	Total Population: 68,729	Ideal: 68,010		Deviation: 0.98%
Precincts				Population
010 Fairfax (Part)				59,158
Bull Run (920)				2,861
Centre Ridge (901)				6,950
Centreville (910)				8,375
Clifton (805)				5,430
Deer Park (921)				4,870
Fairfax Station (805)				4,211
Green Trails (919)				8,076
Newgate North (849)				2,484
Newgate South (854)				4,695
Old Mill (925)				4,280
Popes Head (841)				4,170
Virginia Run (911)				1,678
153 Prince William (Part)				6,960
Mountain View (410)				6,960
Split precincts				Population
010 Fairfax (partial precincts)				6,600
London Towne West (924)				1,825
Willow Springs (851)				3,794
Woodyard (815)				1,101
153 Prince William (partial precincts)				7,043
Abrey (406)				2,244
Battlefield (402)				5,599
District: 41	Total Population: 68,760	Ideal: 68,010		Deviation: 0.98%
Precincts				Population
010 Fairfax (Part)				60,714
Bonnie Brae (126)				1,178
Burke (801)				7,602
Burke Centre (127)				7,071
Cherry Run (825)				1,937
Fairview (105)				6,948
Laurel (119)				5,611
Monroe (707)				3,923
Olde Creek (109)				1,282
Olley (134)				2,651
Parkway (847)				3,344
Price (711)				1,487
Robinson (120)				6,594
Signal Hill (123)				4,257
Town Center (130)				1,987
White Oaks (833)				4,914
Split precincts				Population
010 Fairfax (partial precincts)				12,978
Lake Braddock (110)				6,437
Pohick (811)				3,403
Woodbine (117)				2,138

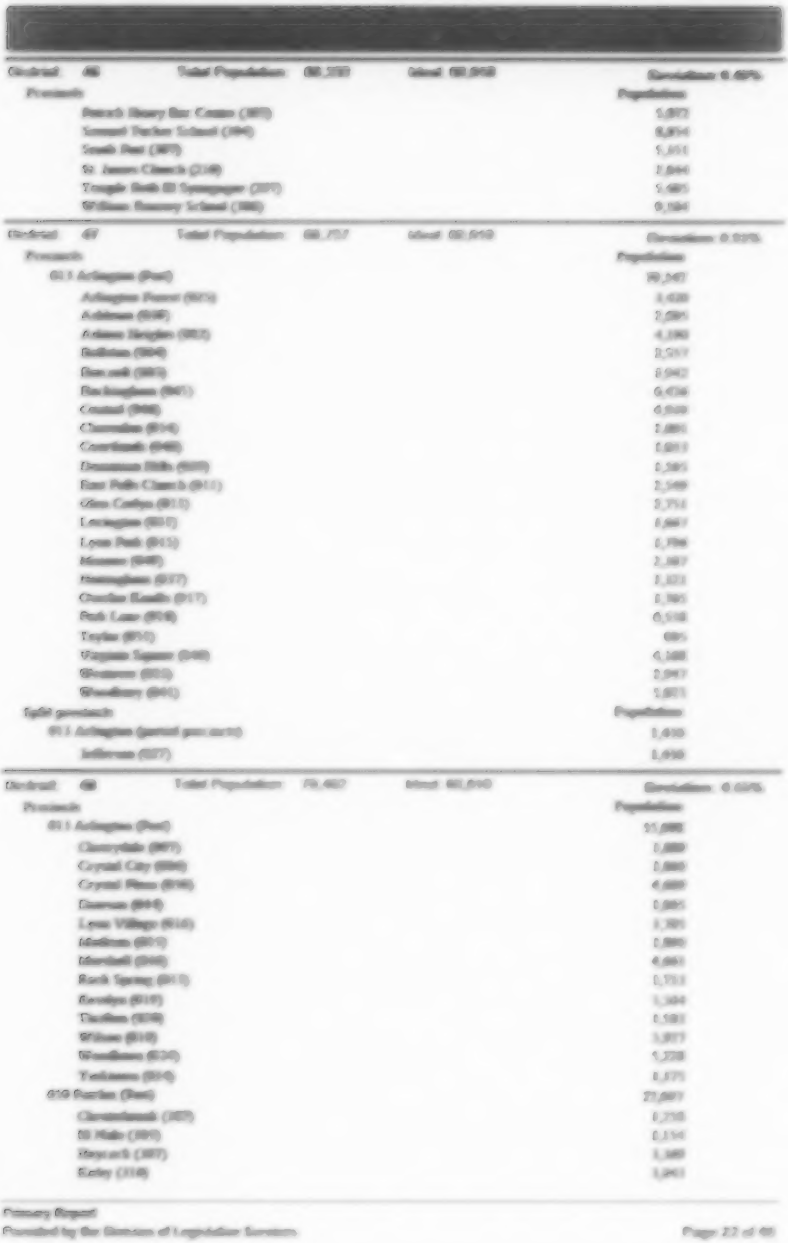
District:	42	Total Population:	79,999	Ideal: 80,010	Deviation: -0.01%
Precincts					Population
010 Fairfax (Part)					75,839
Cardinal (120)					1,794
Fountainhead (045)					4,884
Groveton (016)					9,033
Hunt (030)					5,415
Irving (027)					3,356
Kovar Mill (129)					2,648
Laurel Hill (038)					6,983
Newington (018)					7,713
Orange (024)					5,598
Sangster (038)					1,001
Silverbrook (039)					4,746
South County (029)					4,090
South Run (036)					2,947
Valley (012)					4,283
West Springfield (040)					4,176
Westgate (017)					4,362
Split precincts					Population
010 Fairfax (partial precinct)					4,135
Lemon (017)					0
Pohick (011)					2,489
Woodyard (015)					1,646
District:	43	Total Population:	80,750	Ideal: 80,010	Deviation: 0.93%
Precincts					Population
010 Fairfax (Part)					65,601
Bush Hill (401)					4,783
Cameron (402)					1,950
Clermont (410)					1,839
Franconia (404)					5,616
Huntley (424)					3,077
Island Creek (427)					1,891
Kingstowne (421)					5,771
Lenore Center (825)					3,439
Lenore Station (827)					6,674
Mount Eagle (408)					2,327
Rose Hill (419)					6,813
Van Dorn (422)					5,913
Villages (428)					5,421
Virginia Hills (411)					2,779
Wilton (425)					3,398
Split precincts					Population
010 Fairfax (partial precinct)					15,657
Belvoir (810)					1,147
Bayfield (908)					656
Huntington (807)					5,464
Lane (419)					2,015
Lemon (817)					4,353
District:	44	Total Population:	80,700	Ideal: 80,010	Deviation: 0.86%
Precincts					Population
010 Fairfax (Part)					72,130
Bucknell (804)					7,342
Fairfield (413)					52,582
Fort Hunt (805)					2,823
Groveton (405)					14,119



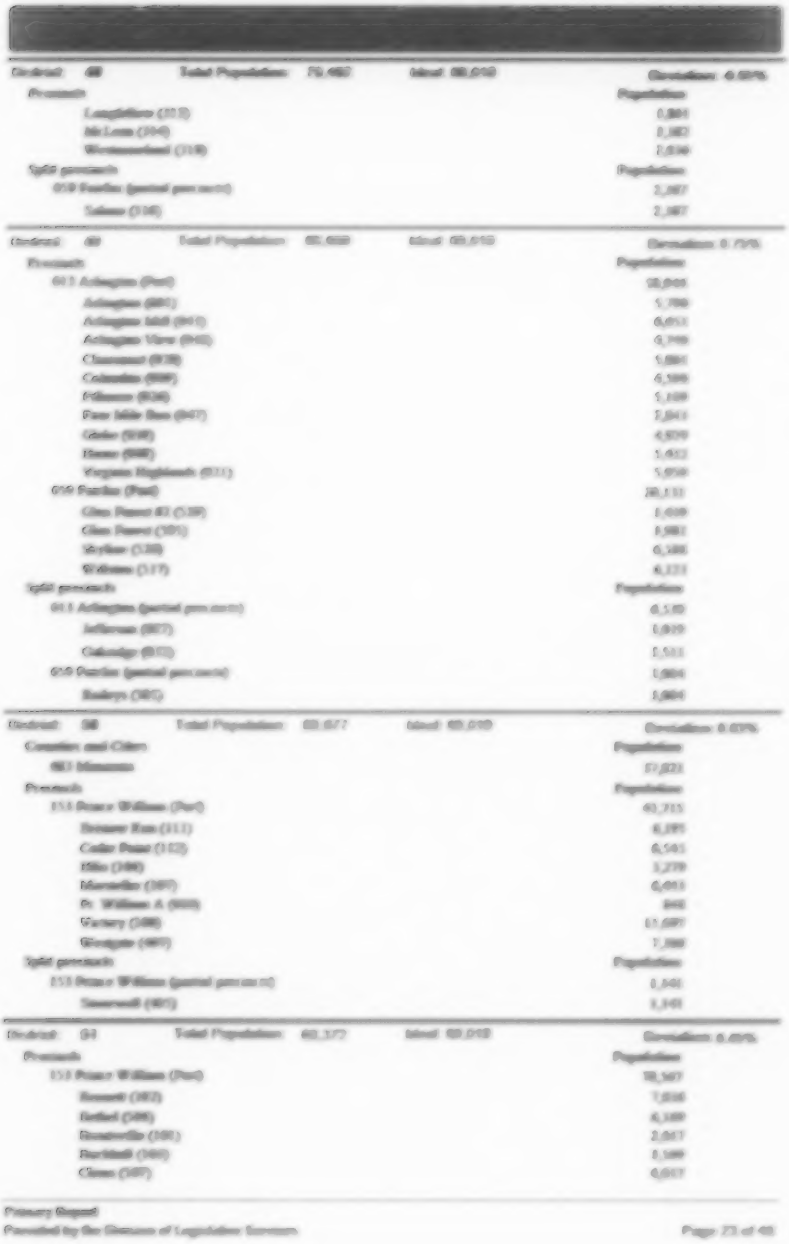
Ordered:	**64**	**Total Population:**	**60,736**	**Ideal: 60,010**	**Deviation: 0.98%**
Precinct				*Population*
	Belle Gulf (406)			2,414
	Eldredo (506)			2,385
	Idaho (607)			2,949
	Glenwood (610)			4,413
	Stratford (911)			4,585
	Wayanwood (801)			1,914
	Wilmore (304)			1,394
	Woodlawn (872)			6,333
	Woodley (613)			1,459
Split precincts				*Population*
	609 Fairfax (partial precincts)			6,636
	Belle Haven (501)			1,737
	Belmar (619)			2,246
	Hayfield (406)			1,178

Ordered:	**65**	**Total Population:**	**60,240**	**Ideal: 60,010**	**Deviation: 0.39%**
Precinct				*Population*
	105 Alexandria (Part)			59,833
	Agudas Achim Synagogue (301)			3,973
	Blessed Sacrament Church (304)			5,402
	City Hall (302)			5,551
	Cora Kelley Center (306)			6,727
	Durant Center (306)			6,101
	Fire Department Headquarters (309)			5,894
	George Mason School (303)			5,146
	George Washington Middle School (305)			5,919
	Ladsby Senior Building (301)			2,731
	Lee Center (306)			6,949
	Light Church School (301)			5,699
	Maury School (303)			5,601
	Mt. Vernon Recreation Center (307)			7,516
	611 Arlington (Part)			11,683
	Abingdon (602)			3,716
	Aurora Hills (603)			2,401
	Patchogue (612)			3,681
	Shirlington (943)			3,461
	609 Fairfax (Part)			1,738
	Bellevue (607)			2,702
	Gunnston (621)			2,918
Split precincts				*Population*
	611 Arlington (partial precincts)			1,705
	Oakridge (602)			1,705
	609 Fairfax (partial precincts)			499
	Belle Haven (501)			1.95
	Donnington (607)			030

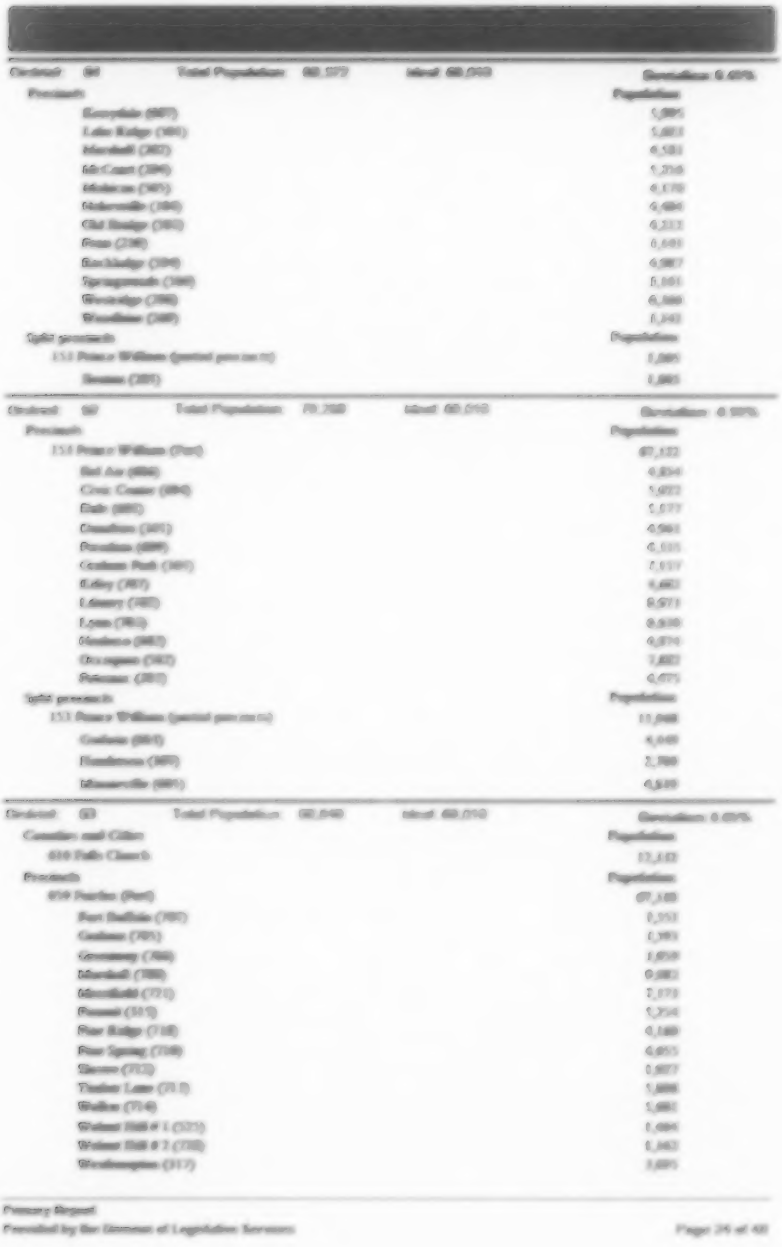
Ordered:	**66**	**Total Population:**	**60,300**	**Ideal: 60,010**	**Deviation: 0.48%**
Precinct				*Population*
	105 Alexandria (Part)			60,133
	Cameron Station Community Center (308)			4,837
	Charles E. Beatley Library (300)			1,689
	Chesapeake Park Recreation Center (306)			4,546
	Douglas Macarthur School (305)			1,136
	Jesse E. Pelli School (309)			7,487
	John Adams School (301)			9,763
	Nasa Arts Center (308)			6,471

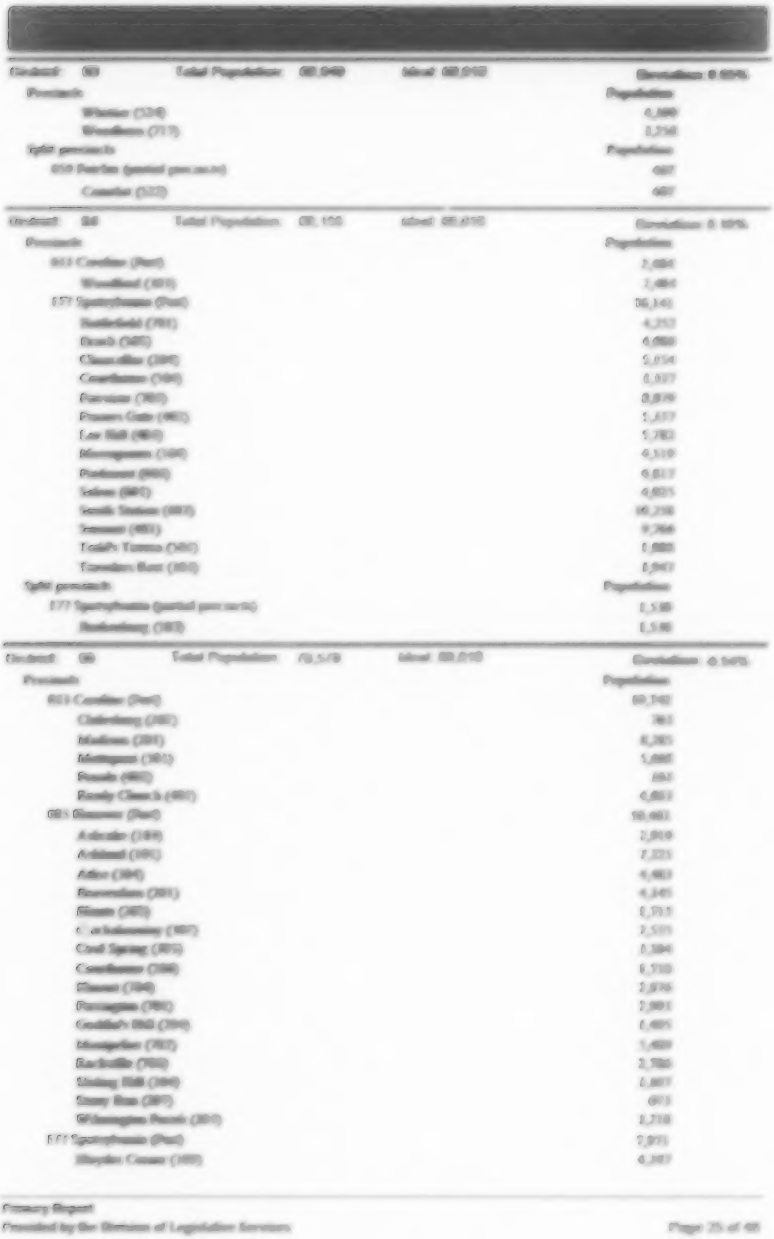


Ward:	66	Total Population:	68,359	Ideal: 68,868	Deviation: -0.69%
Precinct					Population
	Patrick Henry Rec Center (801)				5,873
	Samuel Tucker School (804)				8,834
	South Post (807)				5,151
	St. James Church (218)				7,844
	Temple Beth El Synagogue (207)				5,985
	William Reagan School (808)				9,184
Ward:	67	Total Population:	68,757	Ideal: 68,868	Deviation: -0.03%
Precinct					Population
	803 Arlington (Part)				10,547
	Arlington Forest (803)				3,438
	Ashlawn (808)				2,085
	Ashlawn Heights (802)				4,190
	Ballston (804)				3,517
	Barcroft (801)				8,942
	Buckingham (845)				6,436
	Central (806)				4,519
	Clarendon (814)				2,881
	Courthouse (848)				3,811
	Donaldson Hills (820)				1,585
	East Falls Church (811)				2,549
	Glen Carlyn (813)				2,751
	Lexington (831)				1,661
	Lyon Park (815)				1,796
	Maywood (849)				2,387
	Nottingham (837)				3,223
	Overlee Knolls (817)				1,765
	Park Lane (858)				6,518
	Taylor (851)				695
	Virginia Square (848)				4,388
	Westover (853)				2,947
	Woodbury (841)				3,821
Split precinct					Population
	803 Arlington (partial precincts)				3,410
	Jefferson (827)				3,410
Ward:	68	Total Population:	69,487	Ideal: 68,868	Deviation: 0.90%
Precinct					Population
	811 Arlington (Part)				11,088
	Claremont (807)				3,888
	Crystal City (886)				3,886
	Crystal Plaza (816)				4,889
	Dawson (804)				3,895
	Lyon Village (816)				3,781
	Madison (801)				3,886
	Marshall (840)				4,661
	Rock Spring (813)				3,753
	Kenmore (819)				3,384
	Taylor (878)				3,583
	Wilson (810)				3,917
	Woodlawn (824)				3,238
	Yorktown (804)				3,371
	819 Fairfax (Part)				27,697
	Chesterbrook (807)				3,710
	El Nido (801)				3,314
	Haycock (807)				3,388
	Kirby (818)				3,843

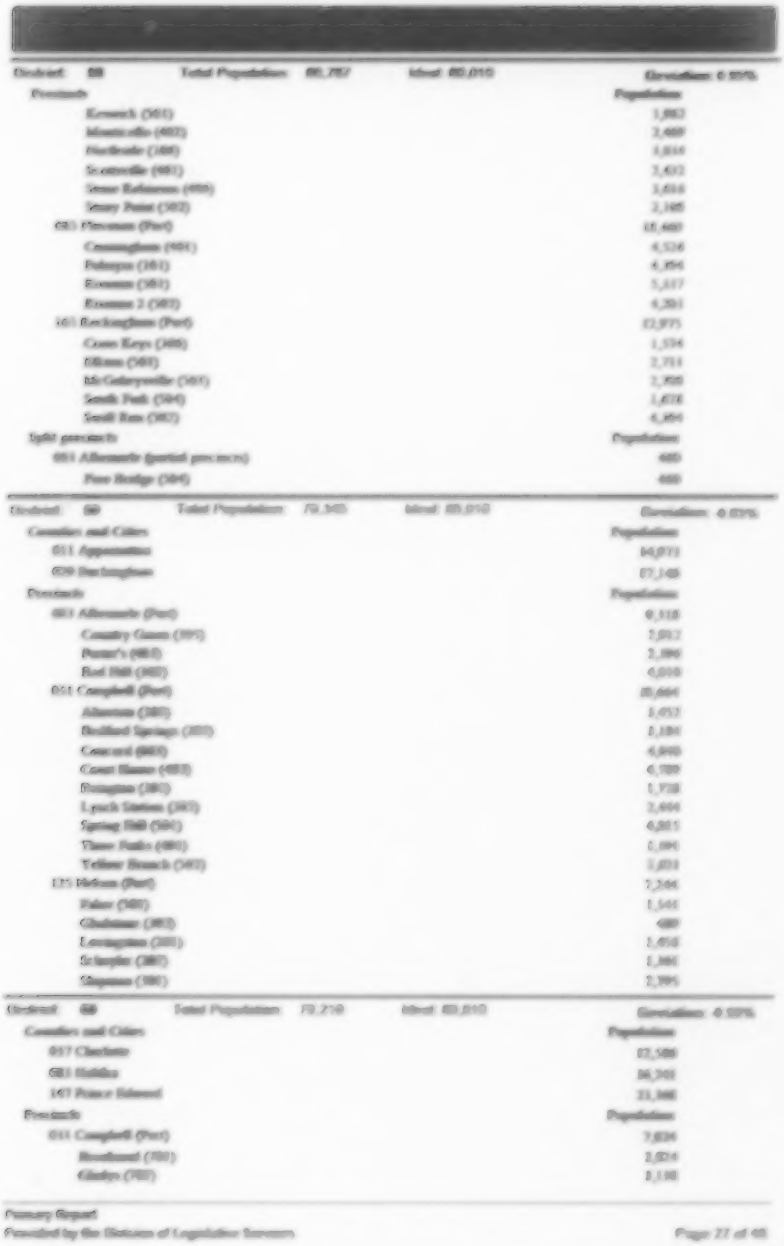


District: 48	Total Population: 79,482	Ideal: 80,010			Deviation: -0.33%
Precinct					Population
Loughboro (013)					3,864
McLean (104)					3,382
Westmoreland (318)					2,636
Split precinct					Population
019 Fairfax (partial precincts)					2,387
Salem (316)					2,387
District: 49	Total Population: 80,009	Ideal: 80,010			Deviation: -0.73%
Precinct					Population
013 Arlington (Part)					18,045
Arlington (001)					1,709
Arlington Mill (041)					6,011
Arlington View (042)					3,749
Claremont (038)					5,884
Columbia (039)					4,599
Fillmore (036)					1,109
Four Mile Run (047)					2,043
Glebe (030)					4,979
Hume (048)					1,411
Yorktown Highlands (031)					1,959
019 Fairfax (Part)					20,131
Glen Forest 42 (139)					3,039
Glen Forest (101)					3,983
Skyline (130)					6,188
Wilshire (117)					6,233
Split precinct					Population
013 Arlington (partial precincts)					6,549
Jefferson (007)					3,919
Oakridge (011)					2,511
019 Fairfax (partial precincts)					3,904
Baileys (305)					3,904
District: 50	Total Population: 80,677	Ideal: 80,010			Deviation: 0.83%
Counties and Cities					Population
683 Manassas					37,821
Precinct					Population
153 Prince William (Part)					40,715
Bristow Run (111)					4,191
Cedar Point (112)					6,561
Ellis (106)					3,279
Montclair (307)					6,651
Pr. William A (503)					849
Victory (108)					11,687
Westgate (907)					7,788
Split precinct					Population
153 Prince William (partial precincts)					1,141
Stonewall (401)					1,141
District: 51	Total Population: 80,377	Ideal: 80,010			Deviation: 0.45%
Precinct					Population
153 Prince William (Part)					38,567
Bennett (302)					7,836
Bethel (305)					6,389
Bristow (306)					2,667
Parkfield (303)					8,389
Clover (307)					6,667





District:	**55**	**Total Population:**	**79,570**	**Ideal: 65,010**	**Deviation: 4.14%**
Precincts					**Population**
	Partlaw (101)				3,724
Split precincts					**Population**
	177 Spotsylvania (partial precincts)				1,364
	Snidersburg (107)				1,364
District:	**56**	**Total Population:**	**79,211**	**Ideal: 65,010**	**Deviation: 4.52%**
Counties and Cities					**Population**
	109 Lenora				33,153
Precincts					**Population**
	075 Goochland (Part)				9,888
	Centerville (402)				1,757
	Crozier (404)				583
	Hamilton (401)				6,561
	087 Henrico (Part)				20,512
	Causeway (301)				1,939
	Hechels Pass (307)				4,587
	Rivers Edge (317)				1,741
	Scales (318)				6,613
	Shady Grove (311)				6,811
	Short Pump (310)				5,739
	West End (916)				1,477
	177 Spotsylvania (Part)				1,218
	Belmont (104)				1,218
Split precincts					**Population**
	075 Goochland (partial precincts)				2,525
	Goochland Court House (101)				2,525
	177 Spotsylvania (partial precincts)				1,587
	Snidersburg (107)				1,587
District:	**57**	**Total Population:**	**69,710**	**Ideal: 65,010**	**Deviation: 6.55%**
Counties and Cities					**Population**
	149 Chesterville				60,475
Precincts					**Population**
	081 Allenvale (Part)				60,764
	Agner West (104)				4,314
	Branchlands (103)				3,221
	Cole (401)				8,605
	Dawkins (301)				2,407
	Georgetown (203)				4,753
	University Hall (207)				1,388
	Woodbrook (101)				1,556
Split precincts					**Population**
	081 Allenvale (partial precincts)				6,539
	East Ivy (304)				2,644
	Pine Ridge (304)				6,895
District:	**58**	**Total Population:**	**68,707**	**Ideal: 65,010**	**Deviation: 5.69%**
Counties and Cities					**Population**
	079 Grover				58,469
Precincts					**Population**
	081 Allenvale (Part)				58,469
	Beasley (305)				2,118
	Earlysville (407)				1,984
	Pine Union (602)				2,564
	Redlywood (303)				6,467



District: 58	**Total Population: 69,787**	**Ideal: 65,010**		**Deviation: 0.15%**
Precincts			**Population**	
Kenwick (501)			1,863	
Montecello (402)			3,469	
Northvale (108)			1,814	
Scottsville (401)			3,431	
Stone Reformers (408)			3,634	
Vesey Point (302)			2,165	
021 Plowman (Part)			15,487	
Cunningham (404)			4,524	
Pokeyo (301)			4,304	
Rowans (301)			5,117	
Rowans 2 (302)			4,201	
161 Rockingham (Part)			12,977	
Cross Keys (308)			1,534	
Hilton (305)			2,751	
McGaheysville (305)			1,705	
South Fork (304)			1,078	
Swift Run (302)			4,364	
Split precincts			**Population**	
001 Albemarle (partial precincts)			660	
Free Bridge (304)			660	

District: 59	**Total Population: 70,345**	**Ideal: 65,010**		**Deviation: 0.03%**
Counties and Cities			**Population**	
011 Appomattox			14,973	
029 Buckingham			07,148	
Precincts			**Population**	
003 Albemarle (Part)			9,118	
Country Green (305)			7,012	
Porter's (003)			2,390	
Red Hill (302)			4,010	
011 Campbell (Part)			35,664	
Altavista (303)			3,053	
Bedford Springs (303)			3,101	
Concord (603)			4,940	
Court House (403)			4,709	
Evington (301)			1,738	
Lynch Station (303)			3,404	
Spring Hill (304)			4,001	
Three Forks (001)			1,091	
Yellow Branch (302)			1,033	
125 Nelson (Part)			7,244	
Faber (302)			1,541	
Gladstone (303)			487	
Lexington (301)			1,451	
Schuyler (305)			1,866	
Shipman (306)			2,799	

District: 60	**Total Population: 70,219**	**Ideal: 65,010**		**Deviation: 0.03%**
Counties and Cities			**Population**	
017 Charlotte			12,586	
083 Halifax			36,301	
147 Prince Edward			21,306	
Precincts			**Population**	
011 Campbell (Part)			7,834	
Brookneal (701)			2,824	
Gladys (702)			5,110	

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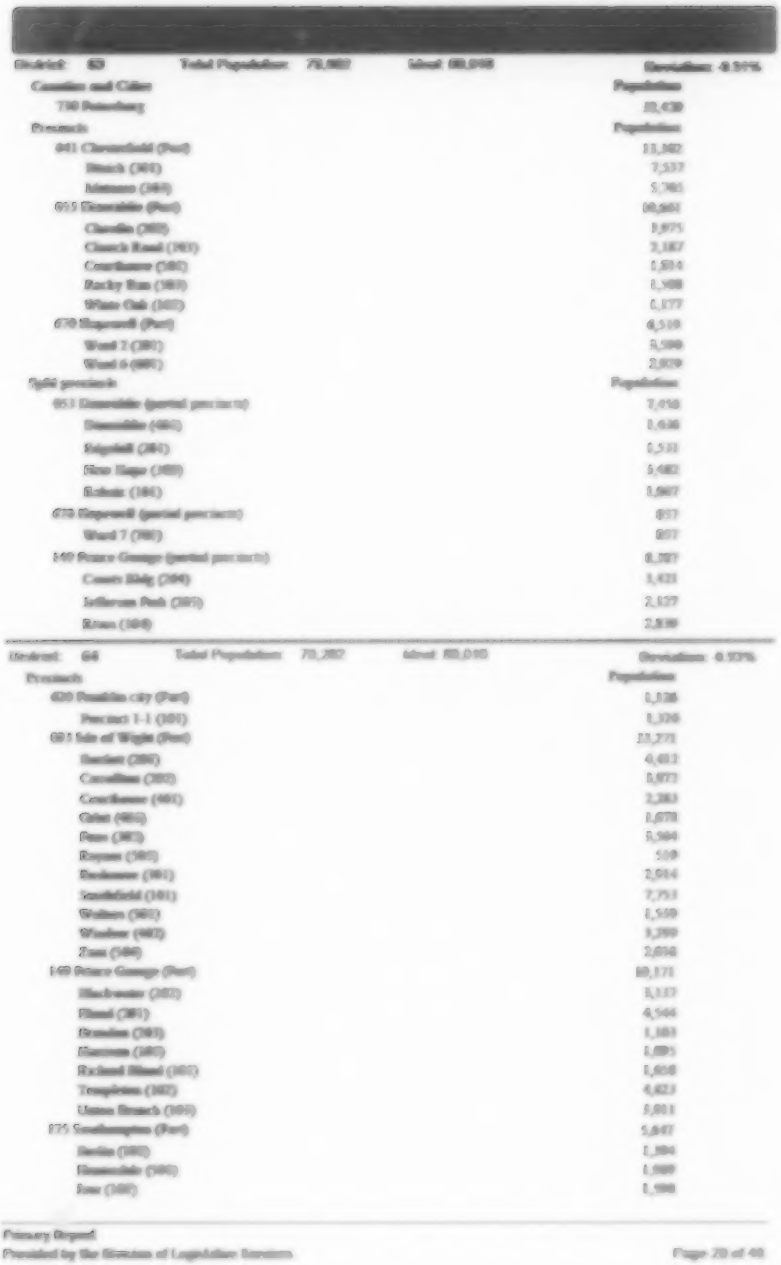
District:	60	Total Population:	79,210	Ideal: 80,010	Deviation: -0.99%
Precincts					Population
	Macon Church (705)				1,987
District:	61	Total Population:	79,782	Ideal: 80,010	Deviation: -0.27%
Counties and Cities					Population
007 Amelia					12,690
049 Cumberland					10,052
117 Marlebourg					32,727
135 Hathaway					15,253
Precincts					Population
111 Lunenburg (Part)					5,062
Arrowhead Gun Club (601)					530
Flat Rock (302)					910
Meherrin Fire Dept (701)					761
Pleasant Grove (903)					1,500
Plymouth (304)					1,151
Reedy Creek (301)					812
Split precincts					Population
111 Lunenburg (partial precincts)					1,608
Barrett's Store (201)					1,049
Peoples Community Center (502)					725
Rowland (301)					557
Victoria Public Library (702)					1,986
District:	62	Total Population:	79,577	Ideal: 80,010	Deviation: -0.42%
Precincts					Population
041 Chesterfield (Part)					40,101
Bellwood (301)					1,899
Beulah (302)					5,010
Bird (303)					4,028
Dutch Gap (110)					2,049
Elizabeth Scott (109)					7,977
Enon (103)					4,893
Five Forks (710)					5,571
Gates (305)					5,053
North Chester (104)					4,875
Salem Church (209)					5,986
687 Seneca (Part)					7,986
Southview (515)					1,301
Town Hall (517)					1,103
Whitlocks (518)					2,512
670 Signorelli (Part)					13,130
Ward 1 (301)					1,730
Ward 3 (301)					1,047
Ward 4 (401)					1,604
Ward 5 (301)					2,251
Split precincts					Population
687 Seneca (partial precincts)					308
Derry (305)					701
670 Signorelli (partial precincts)					2,005
Ward 7 (701)					2,005
169 Prince George (partial precincts)					7,302
Courts Bldg (204)					0
Jefferson Park (201)					6,017
Rives (104)					555



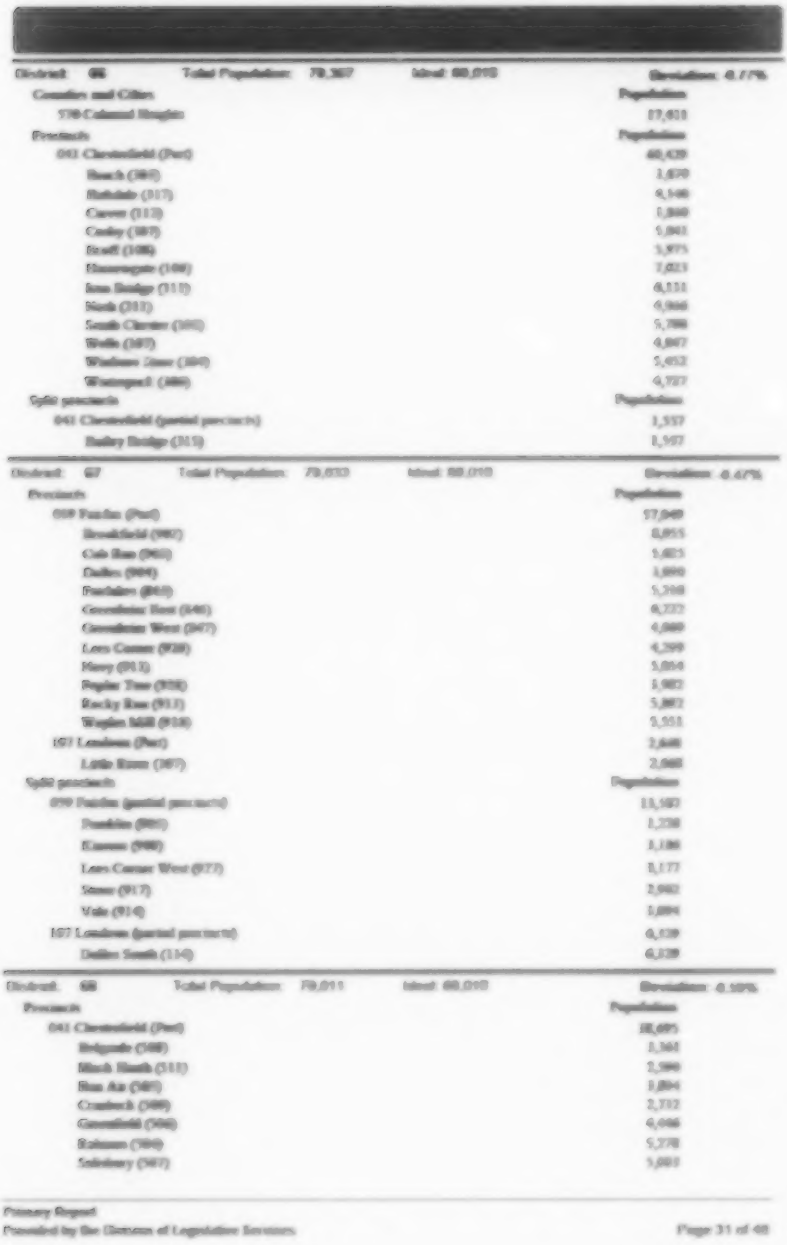
District: 63	Total Population: 70,882	Ideal: 69,010	Deviation: 0.91%
Counties and Cities			Population
730 Petersburg			32,420
Precincts			Population
041 Chesterfield (Part)			13,382
Bloom (301)			7,537
Matoaca (303)			5,781
053 Dinwiddie (Part)			10,661
Chesdin (302)			3,975
Church Road (303)			3,187
Courthouse (305)			1,934
Rocky Run (307)			1,508
White Oak (307)			1,177
670 Hopewell (Part)			4,519
Ward 2 (301)			1,590
Ward 6 (601)			2,929
Split precincts			Population
053 Dinwiddie (partial precincts)			7,450
Dinwiddie (401)			1,636
Ridgefield (204)			1,533
New Hope (305)			1,682
Robertz (101)			1,907
670 Hopewell (partial precincts)			857
Ward 7 (501)			857
149 Prince George (partial precincts)			8,707
County Hidg (304)			3,423
Jefferson Park (305)			2,537
Rives (304)			2,838

District: 64	Total Population: 70,282	Ideal: 69,010	Deviation: 0.93%
Precincts			Population
620 Franklin city (Part)			1,138
Precinct 1-1 (101)			1,138
083 Isle of Wight (Part)			11,271
Barclay (201)			4,413
Carrollton (202)			3,973
Courthouse (401)			2,383
Cabot (402)			1,078
Pons (302)			5,504
Rescue (501)			519
Rushmere (301)			2,914
Smithfield (101)			7,753
Walters (301)			1,559
Windsor (402)			3,399
Zuni (304)			2,056
149 Prince George (Part)			10,171
Blackwater (202)			3,137
Bland (301)			4,544
Brandon (303)			1,183
Harrison (401)			1,095
Ruland Bland (101)			1,610
Templeton (302)			4,423
Union Branch (303)			3,011
175 Southampton (Part)			5,647
Berlin (101)			1,394
Branchdale (301)			1,989
Jose (305)			1,598

District:	64	Total Population:	70,382	Ideal: 69,010	Deviation: 0.93%
Precincts					Population
	Sedley (VI)				754
880	Suffolk (Part)				7,112
	Holland (502)				1,899
	Holy Neck (503)				1,987
	Whaleyville (402)				2,726
181	Surry (Part)				6,174
	Bacon's Castle (701)				1,443
	Carsley (401)				1,375
	Claremont (501)				922
	Spring Grove (502)				525
	Surry (101)				1,430
	Wall's Bridge (102)				479
183	Sussex (Part)				1,646
	Blackwater (601)				1,019
	Wakefield (303)				625
Split precincts					Population
620	Franklin city (partial precincts)				1,305
	Precinct 3-1 (301)				894
	Precinct 6-1 (601)				1,411
661	Isle of Wight (partial precincts)				1,176
	Cougar Mill (502)				290
	Carrsville (503)				815
149	Prince George (partial precincts)				775
	Coasts Bldg (304)				389
	Rives (304)				386
175	Southampton (partial precincts)				463
	Rolfe-Of-The-Rives (502)				463

District:	65	Total Population:	70,300	Ideal: 69,010	Deviation: 0.81%
Counties and Cities					Population
145	Powhatan				28,040
Precincts					Population
041	Chesterfield (Part)				24,220
	Bensdowmill (403)				4,876
	Shingopanoe (309)				6,395
	Smith Creek (411)				1,951
	Tomahawk (310)				4,346
	Woodridge (313)				4,900
085	Hanover (Part)				7,233
	Columbus (201)				1,861
	Peck Union (301)				1,366
075	Goochland (Part)				1,545
	Fife (101)				1,752
	Hadensville (102)				2,336
	Sandy Hook (202)				1,644
	Three Square (201)				814
Split precincts					Population
041	Chesterfield (partial precincts)				9,668
	Evergreen (312)				2,713
	Midlothian (303)				6,955
075	Goochland (partial precincts)				1,645
	Goochland Court House (301)				1,645

District:	66	Total Population:	70,307	Ideal: 69,010	Deviation: 0.77%



District: 06	Total Population: 79,367	Ideal: 80,010		Deviation: -0.77%
Counties and Cities			Population	
570 Colonial Heights			17,611	
Precincts			Population	
041 Chesterfield (Part)			40,429	
Beach (304)			1,870	
Bethlehem (317)			4,546	
Craven (113)			1,860	
Cosby (107)			5,041	
Ettrick (108)			3,975	
Hasenyate (109)			7,023	
Iron Bridge (310)			6,111	
Matoaka (311)			4,946	
South Chester (101)			5,788	
Wells (107)			4,047	
Windsor Lane (304)			5,452	
Winterpock (406)			4,727	
Split precincts			Population	
041 Chesterfield (partial precincts)			3,537	
Bailey Bridge (315)			1,507	

District: 07	Total Population: 79,033	Ideal: 80,010		Deviation: -0.47%
Precincts			Population	
019 Fairfax (Part)			57,049	
Brookfield (907)			8,955	
Cub Run (901)			5,825	
Dulles (904)			1,899	
Fairfaxx (841)			5,708	
Greenbriar East (840)			6,727	
Greenbriar West (847)			4,049	
Lees Corner (920)			4,299	
Navy (913)			5,054	
Poplar Tree (938)			1,902	
Rocky Run (911)			5,867	
Waples Mill (918)			5,553	
107 Loudoun (Part)			2,648	
Little Rinn (307)			2,068	
Split precincts			Population	
019 Fairfax (partial precincts)			13,583	
Franklin (905)			1,238	
Eleanor (940)			1,186	
Lees Corner West (877)			3,177	
Stone (917)			2,982	
Vale (914)			3,894	
107 Loudoun (partial precincts)			6,139	
Dulles South (114)			6,139	

District: 08	Total Population: 79,011	Ideal: 80,010		Deviation: -0.98%
Precincts			Population	
041 Chesterfield (Part)			38,695	
Belgrade (308)			3,364	
Birch Heath (311)			2,590	
Bon Air (305)			3,894	
Cranbeck (309)			2,732	
Greenfield (306)			4,666	
Robinson (304)			5,278	
Salisbury (307)			5,003	

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District:	68	Total Population: 79,811	Ideal: 80,010	Deviation: -0.58%
Precincts				Populations
	Shenandoah (413)			4,286
	Smithstown (406)			5,881
	Sycamore (348)			4,214
687 Shenoa (Part)				3,621
	Monument Hills (390)			1,612
	Rollingwood (417)			2,009
780 Richmond city (Part)				33,970
	101 (101)			1,256
	102 (102)			1,530
	104 (104)			2,352
	105 (105)			2,210
	106 (106)			2,170
	111 (111)			2,904
	112 (112)			1,594
	113 (113)			2,051
	114 (114)			1,388
	207 (207)			3,182
	409 (409)			4,051
	413 (413)			1,896
Split precincts				Populations
041 Chesterfield (partial precincts)				1,588
	Midlothian (103)			1,588
687 Henrico (partial precincts)				851
	Pocoson (403)			851
780 Richmond city (partial precincts)				1,060
	410 (410)			1,060

District:	69	Total Population: 79,359	Ideal: 80,010	Deviation: -0.78%
Precincts				Populations
780 Richmond city (Part)				67,474
	402 (402)			4,048
	404 (404)			4,780
	412 (412)			1,304
	501 (501)			2,561
	503 (503)			3,518
	504 (504)			5,886
	508 (508)			1,541
	509 (509)			1,697
	510 (510)			3,454
	606 (606)			1,613
	802 (802)			2,697
	810 (810)			2,019
	811 (811)			3,985
	902 (902)			1,667
	903 (903)			6,466
	908 (908)			2,577
	909 (909)			1,885
	910 (910)			4,184
	911 (911)			1,796
Split precincts				Populations
041 Chesterfield (partial precincts)				4,594
	Davis (315)			4,594
780 Richmond city (partial precincts)				6,918
	211 (211)			0
	410 (410)			3,533

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District: 68	Total Population: 70,386	Ideal: 68,010		Deviation: -0.70%
Split precincts				Population
585 (585)				1,245
669 (669)				2,148
District: 69	Total Population: 70,382	Ideal: 68,010		Deviation: -0.70%
Precincts				Population
041 Chesterfield (Part)				10,281
Belmont (306)				1,999
Chippenham (307)				2,731
Davey's Bluff (101)				9,469
Falling Creek (301)				5,501
Meadowbrook (304)				5,053
Southside (310)				6,488
087 Henrico (Part)				38,439
Central Gardens (704)				1,758
Essex (406)				3,713
Moreau (548)				2,711
Midkiff (513)				2,861
Montrose (512)				4,277
Rollo (509)				6,733
Sullivan (516)				2,474
760 Richmond city (Part)				15,605
701 (701)				3,011
806 (806)				5,980
812 (812)				4,029
814 (814)				2,771
Split precincts				Population
087 Henrico (partial precincts)				2,130
Davey (301)				2,130
760 Richmond city (partial precincts)				2,084
600 (600)				0
703 (703)				2,084
District: 71	Total Population: 68,327	Ideal: 68,010		Deviation: 0.35%
Precincts				Population
087 Henrico (Part)				5,221
Ratcliffe (220)				5,221
760 Richmond city (Part)				67,877
303 (303)				2,682
304 (304)				2,980
306 (306)				3,797
308 (308)				1,253
313 (313)				3,789
315 (315)				4,345
502 (502)				2,087
503 (503)				1,305
504 (504)				1,082
505 (505)				2,270
506 (506)				1,813
507 (507)				2,504
508 (508)				2,345
509 (509)				1,788
602 (602)				6,046
603 (603)				2,488
604 (604)				2,501
606 (606)				3,377
607 (607)				2,370

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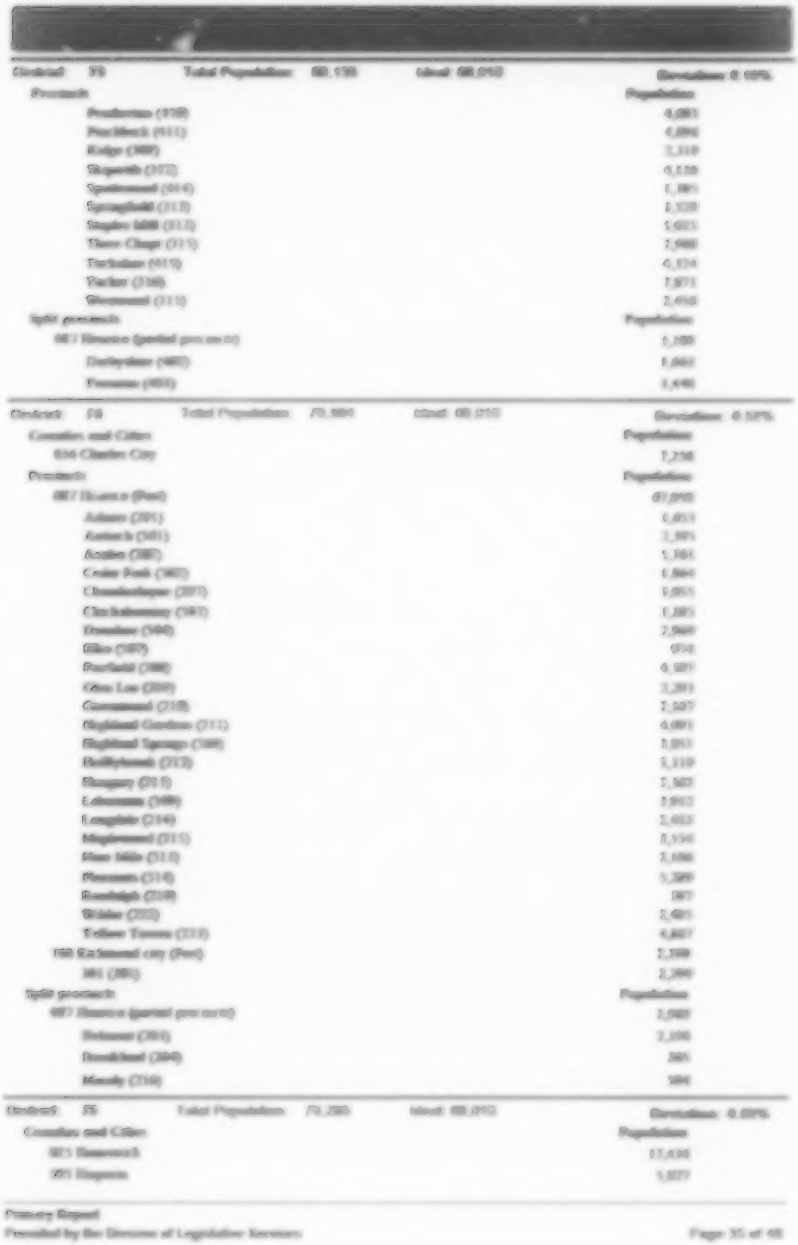
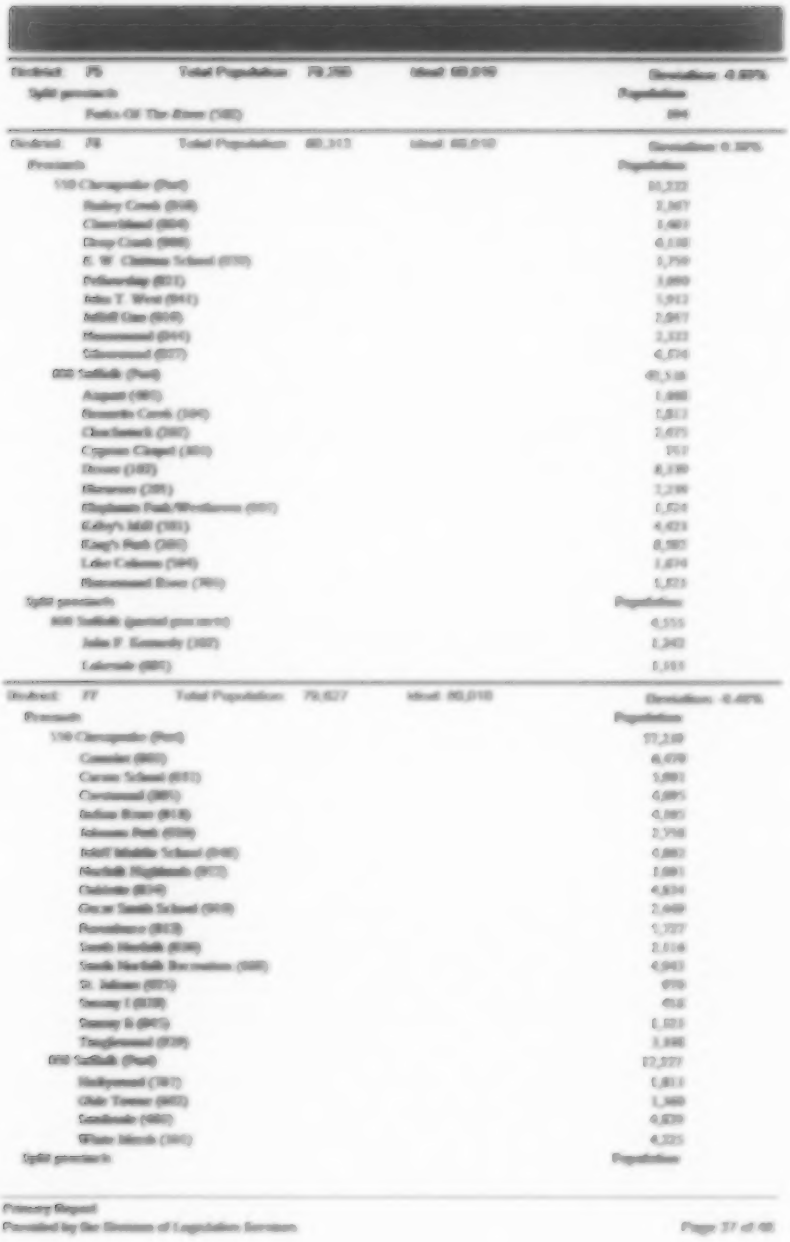
District: 71	Total Population: 80,327	Ideal: 80,010	Deviation: 0.39%
Precincts			Population
701 (701)			3,872
702 (702)			1,604
706 (706)			4,574
707 (707)			5,602
Split precincts			Population
703 Richmond city (partial precincts)			8,974
211 (211)			5,295
505 (505)			1,548
703 (703)			1,233

District: 72	Total Population: 80,704	Ideal: 80,010	Deviation: 0.86%
Precincts			Population
687 Henrico (Part)			77,221
Canterbury (305)			855
Coalpit (101)			5,681
Dumbarton (107)			6,052
Guyana (404)			4,018
Glen Allen (103)			4,066
Godwin (405)			2,883
Hermitage (106)			5,824
Hilliard (307)			1,743
Hunton (108)			1,300
Innsbrook (304)			3,886
Lakeside (110)			4,387
Lakewood (906)			3,072
Londonderry (907)			4,384
Maude Trevvett (112)			1,725
Mayberry (908)			3,304
Moorefield (909)			1,955
Monument (217)			879
Oakview (218)			636
Pocahontas (308)			1,541
Ridgefield (413)			4,022
Stony Run (814)			6,111
Stratford Hall (221)			748
Summit Court (114)			2,076
Wellborne (417)			1,125
Split precincts			Population
687 Henrico (partial precincts)			3,543
Belmont (301)			1,230
Brookland (304)			839
Derbyshire (907)			515
Moody (314)			959

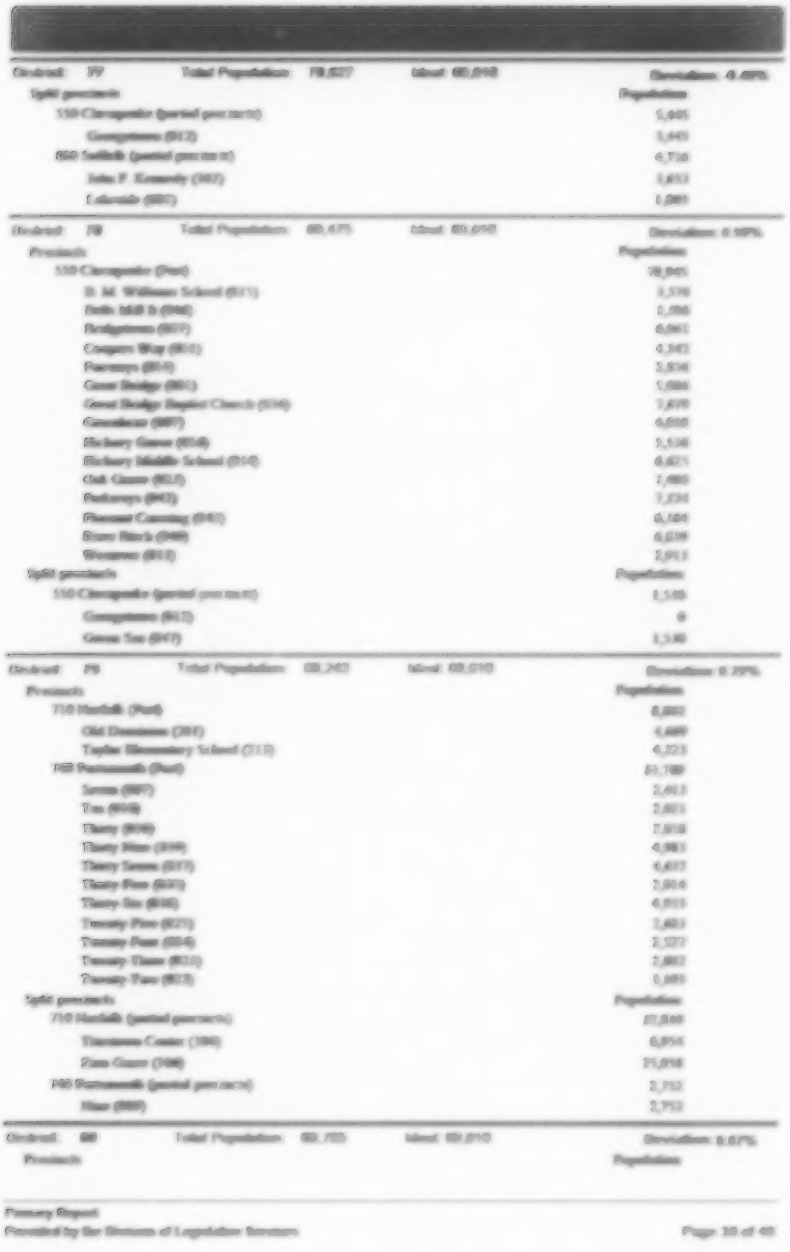
District: 73	Total Population: 80,135	Ideal: 80,010	Deviation: 0.16%
Precincts			Population
687 Henrico (Part)			77,036
Byrd (901)			1,570
Cedarfield (302)			1,941
Crestview (303)			4,330
Glenside (109)			4,720
Greendale (305)			1,126
Hungary Creek (116)			5,085
Jackson Davis (305)			2,714
Johnson (309)			2,154
Laurel (111)			4,791



District: 75	Total Population: 79,705	Ideal: 80,610	Deviation: -0.82%
Counties and Cities			Population
661 Greenville			13,243
Precincts			Population
653 Greenville (Part)			5,811
Cherry Hill (301)			731
Little Tree (402)			1,867
McKinney (701)			2,491
Revere (304)			1,810
658 Franklin city (Part)			4,148
Precinct 3-1 (301)			1,488
Precinct 4-1 (401)			1,518
Precinct 5-1 (501)			1,134
111 Lewisburg (Part)			1,880
Hannah Creek (601)			1,889
171 Southampton (Part)			12,046
Blackwater River (101)			1,381
Fireplace (201)			1,574
Branchville (301)			471
Cypress (201)			1,721
Carrsford (601)			2,668
Darwinville (401)			2,021
Mahanoy (201)			727
Rivermont (701)			1,108
Tidewell (302)			983
181 Surry (Part)			684
Dunbrae (401)			684
183 Sussex (Part)			10,443
Courthouse (501)			1,581
Hickory (301)			1,819
Little Mill (302)			778
Mars Hill (401)			1,219
Riverside (602)			1,170
Stony Creek (206)			1,239
Waverly (101)			1,562
West Wakefield (402)			898
Yale (303)			971
Split precincts			Population
653 Greenville (partial precincts)			4,853
Greenville (401)			3,157
Edgehill (201)			478
Mine Slope (302)			1,427
Reliance (101)			691
658 Franklin city (partial precincts)			791
Precinct 2-1 (201)			791
Precincts 6-1 (601)			0
691 Isle of Wight (partial precincts)			825
Camps Mill (102)			533
Carrsville (301)			292
111 Lewisburg (partial precincts)			2,555
Research Slope (301)			285
Peoples Community Center (302)			387
Riverbend (101)			343
Victoria Public Library (702)			1,134
171 Southampton (partial precincts)			844



District:	75	Total Population:	79,250	Ideal: 80,010	Deviation: -0.95%
Split precinct					Population
	Parks Of The River (582)				894
District:	76	Total Population:	80,303	Ideal: 80,010	Deviation: 0.36%
Precinct					Population
	110 Chesapeake (Part)				31,333
	Bailey Creek (648)				2,987
	Cloverdale (604)				3,481
	Deep Creek (606)				6,130
	G. W. Carver School (670)				1,759
	Providership (631)				3,999
	John T. West (641)				1,913
	Mills E Gay (609)				2,947
	Westwood (644)				3,333
	Silverwood (627)				4,574
	800 Suffolk (Part)				40,516
	Airport (681)				1,888
	Bennetts Creek (649)				3,813
	Chuckatuck (680)				2,475
	Cypress Chapel (601)				717
	Driver (682)				8,139
	Harbour (685)				7,199
	Highland Park/Westhaven (691)				1,524
	Kilby's Mill (681)				4,423
	King's Fork (686)				8,585
	Lake Cohoon (644)				1,674
	Riverwood Drive (701)				5,823
Split precinct					Population
	800 Suffolk (partial precincts)				6,555
	John F. Kennedy (602)				1,243
	Lakeside (681)				1,161
District:	77	Total Population:	79,827	Ideal: 80,010	Deviation: -0.48%
Precinct					Population
	110 Chesapeake (Part)				37,249
	Camelot (601)				6,479
	Carver School (651)				5,981
	Crestwood (687)				6,895
	Indian River (618)				6,395
	Johnson Park (639)				2,758
	Isle Middle School (648)				6,882
	Norfolk Highlands (672)				3,881
	Oaklette (624)				4,834
	Oscar Smith School (649)				2,449
	Providence (613)				1,727
	South Norfolk (636)				2,516
	South Norfolk Recreation (688)				4,943
	St. Julians (671)				970
	Sunray I (638)				616
	Sunray II (647)				1,021
	Tanglewood (639)				3,846
	800 Suffolk (Part)				42,577
	Holywood (787)				5,811
	Olde Towne (602)				1,360
	Southside (680)				6,829
	White Marsh (661)				4,325
Split precinct					Population



Districts:	59	Total Population:	59,827	Ideal: 60,000
Deviation: -0.29%				
Split precincts				Populations
550 Chesapeake (part of precinct)				5,845
Georgetown (802)				5,845
650 Suffolk (part of precinct)				4,710
John F. Kennedy (302)				3,653
Lakeside (801)				1,057

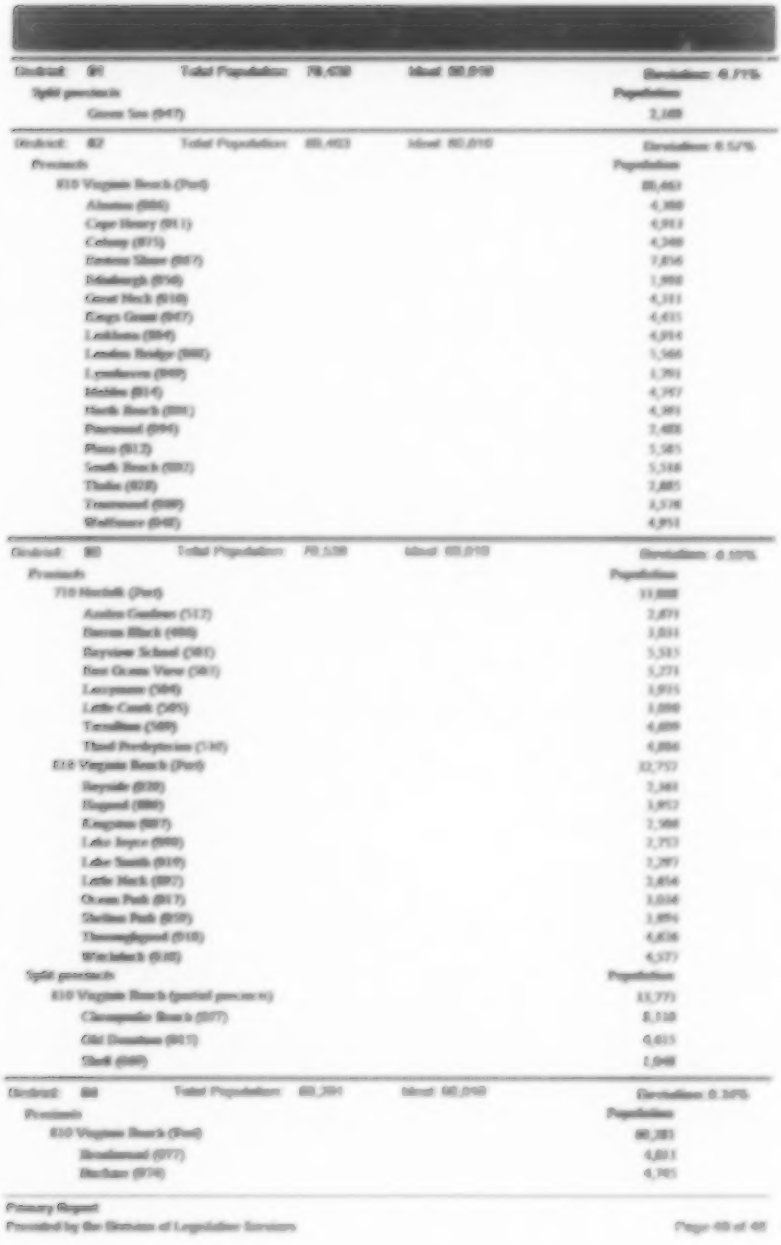
Districts:	58	Total Population:	60,471	Ideal: 60,000
Deviation: 0.78%				
Precincts				Populations
550 Chesapeake (Part)				38,845
D. M. Williams School (811)				3,370
Fells Mill 3 (906)				1,756
Firefighters (807)				6,941
Gaspers Way (801)				4,343
Freeways (804)				3,934
Great Bridge (801)				5,086
Great Bridge Baptist Church (916)				3,499
Greenbrier (807)				6,010
Hickory Manor (916)				5,516
Hickory Middle School (914)				6,021
Oak Grove (802)				2,980
Parkways (843)				7,334
Pleasant Crossing (841)				6,184
River Birch (940)				6,039
Westpoint (811)				2,913
Split precincts				Populations
550 Chesapeake (partial precinct)				1,105
Georgetown (802)				0
Green Sea (947)				1,140

Districts:	59	Total Population:	60,240	Ideal: 60,000
Deviation: 0.39%				
Precincts				Populations
710 Norfolk (Part)				8,882
Old Dominion (201)				4,669
Taylor Elementary School (310)				4,213
740 Portsmouth (Part)				51,789
Seven (907)				2,413
Ten (910)				2,021
Thirty (930)				2,918
Thirty Nine (939)				4,961
Thirty Seven (937)				4,417
Thirty Five (935)				2,914
Thirty Six (936)				4,913
Twenty Five (925)				2,403
Twenty Four (924)				2,377
Twenty Nine (921)				2,882
Twenty Two (923)				1,989
Split precincts				Populations
710 Norfolk (partial precincts)				27,849
Tidewater Center (106)				6,914
Zion Grace (106)				21,016
740 Portsmouth (partial precincts)				2,702
Rose (909)				2,702

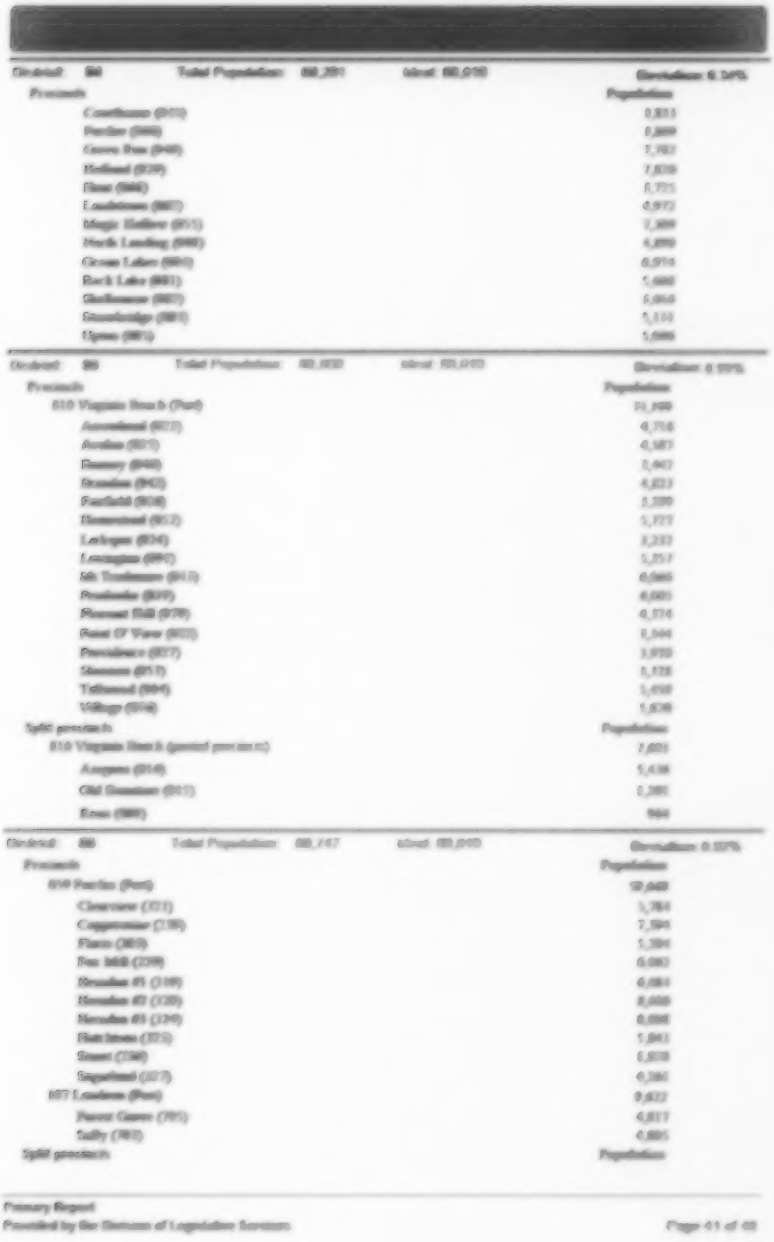
Districts:	60	Total Population:	60,705	Ideal: 60,000
Deviation: 0.87%				
Precincts				Populations

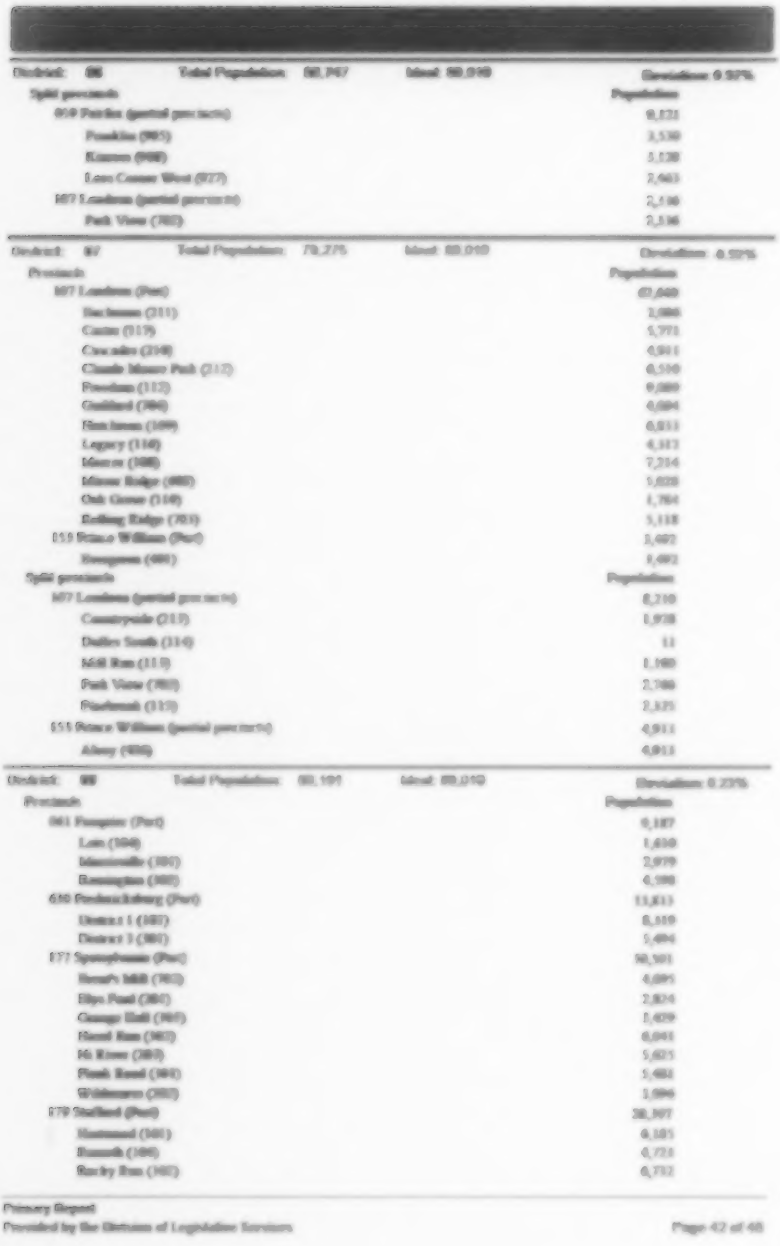
District: 88	Total Population: 88,755	Ideal: 88,010		Deviation: 0.57%
Precincts				Population
110 Chesapeake (Part)				6,588
Taylor Road (801)				6,588
710 Norfolk (Part)				1,667
Chrysler Museum (211)				1,667
740 Portsmouth (Part)				56,597
Elkton (811)				2,354
Pine (891)				1,830
Firestone (804)				1,175
Hawthorne (810)				1,639
Oak (881)				1,573
Seventeen (817)				4,027
Sixteen (816)				1,669
Thirteen (813)				1,663
Thirty-Eight (868)				6,156
Thirty-Four (834)				2,119
Thirty-One (801)				4,456
Thirty-Three (833)				1,771
Thirty-Two (832)				1,838
Twenty (820)				2,270
Twenty-Eight (828)				1,947
Twenty-Nine (829)				1,698
Twenty-One (801)				1,994
Twenty-Seven (827)				1,931
Twenty-Six (826)				5,544
800 Suffolk (Part)				13,439
Harbour View (103)				4,482
Tyners (701)				8,857
Split precincts				Population
740 Portsmouth (partial precincts)				682
Rose (869)				682

District: 89	Total Population: 89,439	Ideal: 88,010		Deviation: 0.71%
Precincts				Population
110 Chesapeake (Part)				32,348
Bells Mill (809)				5,025
Bethel (803)				6,860
Greenbrier Park (811)				5,490
Gilmerton (813)				3,548
Greenfield (814)				970
Indian Creek (817)				3,780
Lake Drummond (819)				1,477
River Walk (808)				3,853
Shipyard Road (812)				1,596
810 Virginia Beach (Part)				45,210
Blackwater (834)				3,219
Cripple Sleep (836)				2,914
Cutgrass Landing (870)				6,611
Creeds (802)				4,705
Culver (863)				6,948
Oceana (850)				4,304
Redwing (840)				7,580
Rudee (872)				3,916
Seatack (887)				5,987
Sigsbee (831)				4,946
Split precincts				Population
110 Chesapeake (partial precincts)				2,180



District:	81	Total Population:	78,438	Ideal: 80,010	Deviation: -1.71%
Split precincts					Population
	Green Sea (047)				2,168
District:	82	Total Population:	80,493	Ideal: 80,010	Deviation: 0.51%
Precincts					Population
	810 Virginia Beach (Part)				80,463
	Alanton (006)				4,360
	Cape Henry (011)				4,913
	Colony (071)				4,340
	Fentress Shaw (087)				7,856
	Edinburgh (036)				1,950
	Great Neck (048)				4,311
	Kings Grant (067)				4,431
	Larkhaven (084)				4,054
	Landon Bridge (088)				1,566
	Lynnhaven (040)				1,791
	Malibu (014)				4,757
	North Beach (031)				4,381
	Pinewood (094)				2,488
	Plaza (012)				5,581
	South Beach (032)				5,516
	Thalia (028)				2,885
	Trantwood (089)				3,578
	Windmere (042)				4,951
District:	80	Total Population:	79,539	Ideal: 80,010	Deviation: -0.59%
Precincts					Population
	710 Norfolk (Part)				11,888
	Azalea Gardens (512)				2,871
	Barron Black (406)				3,011
	Bayview School (301)				5,535
	Bay Ocean View (301)				1,771
	Lacymore (304)				3,915
	Little Creek (305)				3,050
	Tarrallton (309)				4,059
	Third Presbyterian (310)				4,006
	810 Virginia Beach (Part)				32,757
	Bayside (030)				2,301
	Bayport (089)				3,952
	Bayston (087)				2,500
	Lake Joyce (090)				2,753
	Lake Smith (019)				2,297
	Little Neck (097)				3,654
	Ocean Park (017)				3,034
	Shelton Park (059)				3,954
	Thoroughgood (018)				4,836
	Witchduck (040)				4,377
Split precincts					Population
	810 Virginia Beach (partial precincts)				33,771
	Chesapeake Beach (007)				5,310
	Old Donation (013)				6,015
	Shell (040)				1,048
District:	84	Total Population:	80,291	Ideal: 80,010	Deviation: 0.36%
Precincts					Population
	810 Virginia Beach (Part)				80,381
	Brookmead (077)				4,811
	Buckner (074)				4,705





District:	06	Total Population:	68,747	Ideal: 68,010	Deviation: 0.92%
Split precincts					Population
019	Patriot (partial precincts)				9,721
	Franklin (005)				3,530
	Kinston (008)				1,120
	Lees Corner West (027)				2,443
057	Loudoun (partial precincts)				2,146
	Park View (702)				2,146

District:	07	Total Population:	70,275	Ideal: 68,010	Deviation: 3.33%
Precincts					Population
057	Loudoun (Part)				67,649
	Ashburn (211)				3,086
	Castle (019)				5,771
	Cascades (204)				4,911
	Claude Moore Park (212)				6,510
	Freedom (112)				9,089
	Guilford (304)				4,694
	Hamilton (109)				6,811
	Legacy (114)				4,113
	Moorer (108)				7,214
	Moore Ridge (408)				1,028
	Oak Grove (110)				1,784
	Rolling Ridge (703)				5,118
059	Prince William (Part)				2,692
	Evergreen (401)				2,692
Split precincts					Population
057	Loudoun (partial precincts)				8,210
	Countryside (213)				1,938
	Dulles South (314)				11
	Mill Run (113)				1,380
	Park View (702)				2,788
	Pinebrook (313)				2,321
153	Prince William (partial precincts)				4,911
	Abney (406)				4,911

District:	08	Total Population:	68,101	Ideal: 68,010	Deviation: 0.23%
Precincts					Population
041	Fauquier (Part)				9,187
	Lois (304)				1,630
	Marshall (301)				2,979
	Remington (303)				4,598
630	Fredericksburg (Part)				13,813
	District 1 (601)				8,319
	District 3 (603)				5,494
177	Spotsylvania (Part)				30,501
	Berea's Mill (702)				4,095
	Blue Pond (206)				2,824
	Courage Hall (705)				3,429
	Hazel Run (903)				6,041
	Mt Rose (303)				5,621
	Plank Road (304)				5,481
	Wilderness (203)				3,096
179	Stafford (Part)				20,307
	Hartwood (301)				9,185
	Rocksth (104)				6,721
	Rocky Run (302)				4,732

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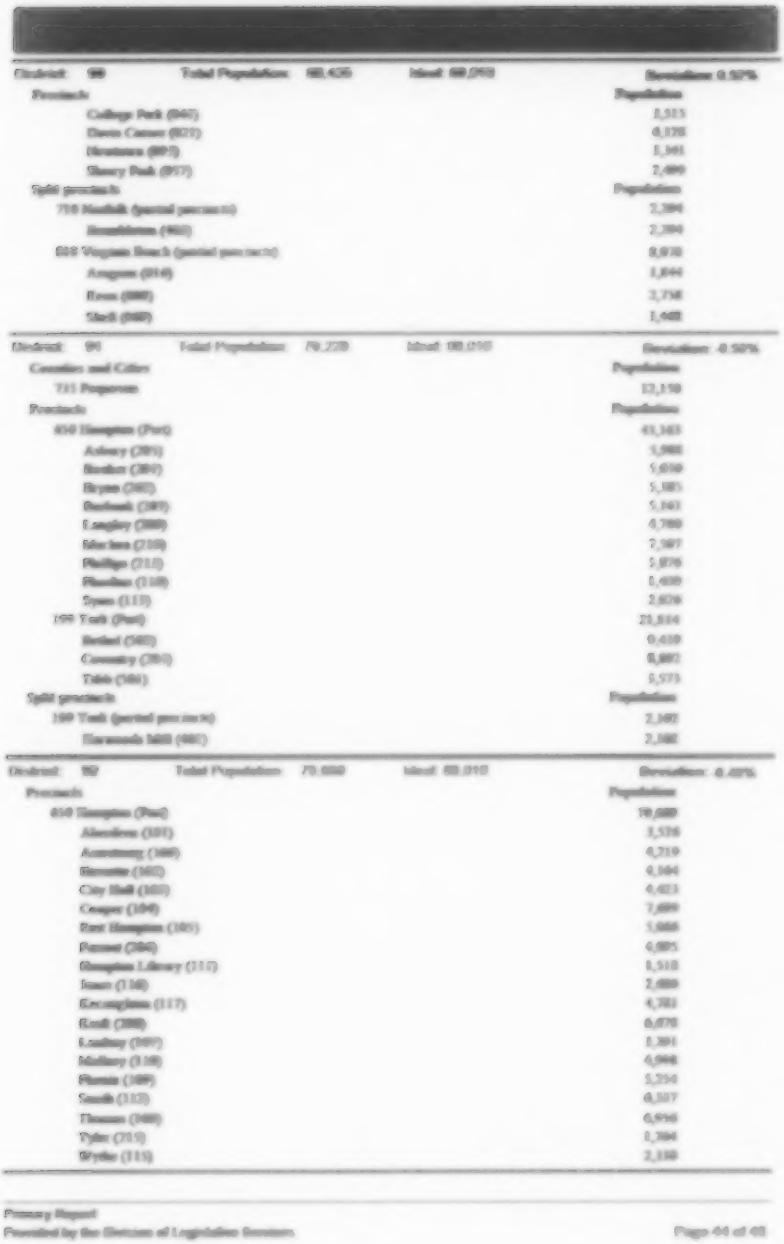
District:	08	Total Population:	88,191	Ideal: 60,010	Deviation: 0.23%
Precincts				Population
	Simpson (103)			2,757
Split precincts				Population
	630 Pendleton (partial precincts)			1,523
	District 4 (401)			1,523
	179 Stafford (partial precincts)			4,089
	Hampton (701)			1,168
	Winton (702)			2,512

District:	09	Total Population:	78,014	Ideal: 60,010	Deviation: 0.45%
Precincts				Population
	710 Norfolk (Part)			30,613
	Bellestone (301)			4,798
	Berkley (402)			5,271
	Ghent Square (205)			1,670
	Huntus Y (611)			3,273
	Ironwood (204)			2,583
	Lafayette (201)			1,586
	Lafayette Winona (303)			3,305
	Lambert's Point (207)			3,557
	Larchmont Library (108)			1,286
	Larchmont Recreation Center (707)			4,014
	Larchmont (106)			2,581
	Misery (310)			1,366
	Norview Methodist (308)			3,347
	Norview Middle School (309)			4,950
	Park Place (212)			4,341
	Rosemont (310)			7,097
	Stuart (214)			4,013
	Tarlac Manor (107)			1,133
	Union Chapel (113)			2,389
	Willard (210)			2,041
	Young Park (616)			5,402
Split precincts				Population
	710 Norfolk (partial precincts)			9,081
	Brambleton (901)			1,777
	Granby (301)			5,135
	Ttowtown Center (306)			579
	Zion Grace (106)			1,539

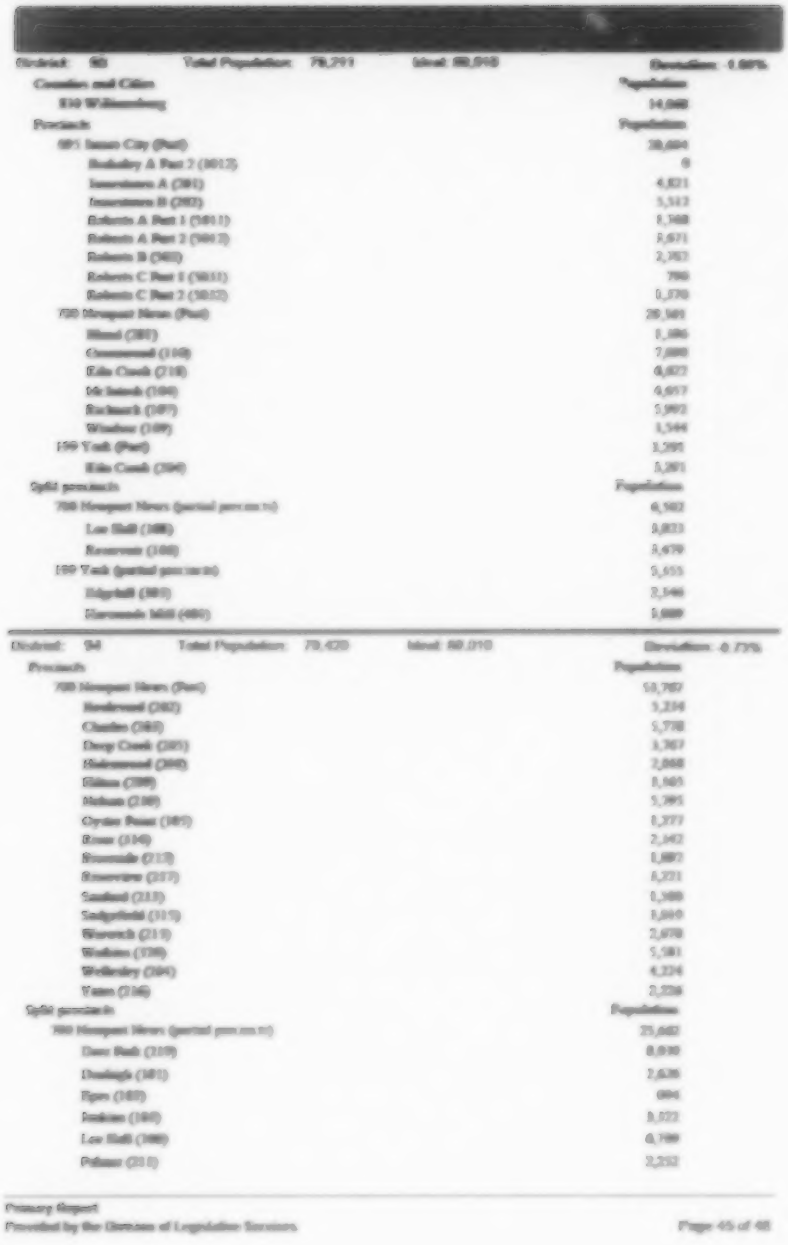
District:	10	Total Population:	88,425	Ideal: 60,010	Deviation: 0.52%
Precincts				Population
	710 Norfolk (Part)			48,619
	Bowling Park (307)			5,155
	Campostella (909)			4,522
	Chesterfield (409)			3,587
	Coleman Place School (304)			3,914
	Haven (408)			6,838
	Fairlawn (406)			3,477
	Ingleside (913)			3,777
	Poplar Halls (911)			5,314
	Sherwood Ter Center (301)			4,984
	Sherwood School (312)			2,830
	Tanner's Creek (302)			3,389
	United Way (913)			4,302
	810 Virginia Beach (Part)			27,042
	Baker (661)			6,559



District: 98	Total Population: 68,436	Ideal: 68,010	Deviation: 0.62%
Precincts			Population
College Park (047)			3,515
Dawn Canoe (021)			6,178
Hewitson (093)			3,361
Silvery Park (057)			2,499
Split precincts			Population
710 Norfolk (partial precincts)			2,394
Brambleton (901)			2,394
810 Virginia Beach (partial precincts)			8,830
Aragona (016)			1,844
Rose (080)			3,758
Shell (060)			3,468

District: 99	Total Population: 70,220	Ideal: 68,010	Deviation: 4.50%
Counties and Cities			Population
735 Poquoson			12,150
Precincts			Population
650 Hampton (Part)			43,343
Asbury (705)			5,988
Booker (304)			5,030
Bryan (305)			5,385
Burbank (307)			5,363
Langley (308)			4,780
Marion (310)			7,307
Phillips (711)			5,870
Rhodes (110)			5,430
Sykes (113)			2,870
199 York (Part)			23,814
Bethel (502)			9,410
Coventry (201)			8,887
Tabb (506)			5,573
Split precincts			Population
199 York (partial precincts)			2,347
Harwoods Mill (901)			2,302

District: 102	Total Population: 70,550	Ideal: 68,010	Deviation: 4.05%
Precincts			Population
650 Hampton (Part)			19,689
Aberdeen (101)			3,536
Armstrong (106)			4,219
Bassette (102)			4,104
City Hall (103)			4,423
Cooper (104)			7,699
East Hampton (105)			5,666
Forrest (204)			4,895
Hampton Library (111)			1,518
Isaac (116)			2,480
Kecoughtan (117)			4,702
Kraft (208)			6,870
Lindsay (109)			1,301
Mallory (118)			4,944
Phenix (109)			5,254
Smith (112)			4,317
Thomas (108)			6,916
Tyler (715)			1,704
Wythe (115)			2,330



District: 90 Total Population: 79,291 Ideal: 80,010 Deviation: -0.90%

Counties and Cities — Population

810 Williamsburg — 14,068

Precincts — Population

691 Isaac City (Part) — 38,694

Berkeley A Part 2 (6912) — 0

Jamestown A (701) — 4,821

Jamestown B (702) — 5,343

Roberts A Part 1 (7001) — 1,748

Roberts A Part 2 (7002) — 3,671

Roberts B (703) — 2,767

Roberts C Part 1 (7051) — 799

Roberts C Part 2 (7052) — 1,370

700 Newport News (Part) — 39,349

Bland (101) — 1,186

Greenwood (110) — 7,089

Elm Creek (710) — 6,827

Mt Intrepid (104) — 4,957

Richneck (107) — 5,992

Windsor (109) — 3,544

199 York (Part) — 3,291

Elm Creek (304) — 3,291

Split precincts — Population

700 Newport News (partial precincts) — 6,502

Lee Hall (108) — 3,833

Reservoir (108) — 2,679

199 York (partial precincts) — 5,655

Edgehill (301) — 2,146

Harwoods Mill (406) — 3,509

District: 94 Total Population: 79,420 Ideal: 80,010 Deviation: -0.73%

Precincts — Population

700 Newport News (Part) — 50,787

Boulevard (102) — 5,234

Charles (103) — 5,778

Deep Creek (105) — 3,767

Hahnemann (106) — 7,068

Hilton (109) — 8,565

Nelson (130) — 5,395

Oyster Point (101) — 1,377

Rose (114) — 2,142

Riverside (113) — 1,887

Riverview (117) — 4,221

Sanford (115) — 3,389

Sedgefield (111) — 3,010

Warwick (211) — 2,978

Watkins (730) — 5,581

Wellesley (104) — 4,224

Yates (216) — 2,228

Split precincts — Population

700 Newport News (partial precincts) — 25,662

Deer Park (210) — 8,930

Denbigh (101) — 2,636

Epes (103) — 694

Jenkins (104) — 3,572

Lee Hall (108) — 6,799

Palmer (211) — 2,232

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District: 94	Total Population: 70,439	Ideal: 60,010		Deviation: -8.72%
Split precincts				Population
Reservoir (100)				1,640
District: 95	Total Population: 60,071	Ideal: 60,010		Deviation: 0.09%
Precincts				Population
010 Hampton (Part)				10,584
Bethel (113)				5,348
Sandy Bottom (714)				2,980
Tucker Capps (214)				6,356
700 Newport News (Part)				44,513
Brookfield (302)				4,287
Carver (304)				3,887
Chestnut (304)				1,887
Downtown (305)				2,178
Dunbar (306)				2,159
Huntington (307)				1,756
Jefferson (308)				2,060
Magruder (309)				1,690
Marshall (310)				2,508
Newsmarket (311)				4,112
Newsome Park (312)				1,128
Reed (313)				3,015
Saunders (315)				6,350
South Morrison (316)				4,473
Washington (317)				1,152
Wilson (318)				1,881
Split precincts				Population
700 Newport News (partial precincts)				30,974
Deer Park (210)				0
Denbigh (101)				4,334
Epes (103)				6,877
Ivanhoe (104)				3,294
Palmer (211)				3,966
Reservoir (100)				2,508
District: 96	Total Population: 70,217	Ideal: 60,010		Deviation: -8.59%
Precincts				Population
005 James City (Part)				48,115
Berkeley A Part 1 (301)				4,749
Berkeley B Part 1 (3021)				1,430
Berkeley B Part 2 (3022)				3,315
Berkeley C (303)				4,798
Powhatan A (301)				4,420
Powhatan B (302)				3,501
Powhatan C (303)				5,804
Powhatan D (304)				5,372
Stonehouse A (401)				5,372
Stonehouse B (402)				5,915
Stonehouse C (403)				3,407
199 York (Part)				39,911
Bass (502)				6,953
Harris Grove (503)				4,510
Magruder (304)				6,063
Queens Lake (301)				3,961
Seaford (501)				3,449
Shelby Mill (303)				3,610
Yorktown (400)				1,987

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District: 96	Total Population: 70,297	Ideal: 69,010		Deviation: 0.50%
Split precincts				Population
199 York (partial precincts)				2,980
Edgehill (303)				2,980
District: 97	Total Population: 70,380	Ideal: 69,010		Deviation: 0.70%
Counties and Cities				Population
127 New Kent				18,439
Precincts				Population
601 Hanover (Part)				49,102
Battlefield (601)				2,774
Beaverdam Creek (606)				934
Black Creek (604)				2,034
Clay (301)				1,089
Cold Harbor (401)				5,455
Georgetown (306)				2,946
Hanover Grove (604)				2,488
Locust Meadow (307)				3,381
Mechanicsville (605)				3,554
Newcastle (303)				3,656
Old Church (402)				2,225
Pebble Creek (601)				2,285
Rural Point (302)				2,971
Shady Grove (301)				1,779
Stonewall Jackson (602)				3,809
Studley (304)				1,701
Tompkinsville (303)				785
Village (601)				4,751
101 King William (Part)				9,948
Aylett (301)				3,384
Mangohick (303)				3,630
Mangohick (401)				2,884
Split precincts				Population
101 King William (partial precincts)				2,139
Courthouse (202)				2,139
District: 98	Total Population: 70,201	Ideal: 69,010		Deviation: 0.29%
Counties and Cities				Population
057 Essex				11,151
073 Gloucester				36,858
097 King and Queen				6,945
115 Mathews				8,978
119 Middlesex				10,959
Precincts				Population
101 King William (Part)				4,317
Sweet Hall (301)				1,889
West Point (101)				2,327
Split precincts				Population
101 King William (partial precincts)				141
Courthouse (202)				141
District: 99	Total Population: 69,332	Ideal: 69,010		Deviation: 0.46%
Counties and Cities				Population
099 King George				23,584
103 Lancaster				11,391
133 Northumberland				12,130
159 Richmond				9,254

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District: 59	Total Population: 80,332	Ideal: 80,010		Deviation: 0.40%
Counties and Cities				Population
101 Westmoreland				77,054
Precincts				Population
603 Caroline (Part)				6,110
Bowling Green (108)				4,730
Port Royal (401)				1,381
District: 100	Total Population: 80,057	Ideal: 80,010		Deviation: 0.03%
Counties and Cities				Population
601 Accomack				33,164
131 Northampton				12,389
Precincts				Population
710 Norfolk (Part)				22,991
Coronado (511)				5,147
Northside (101)				3,854
Ocean View Center (109)				4,701
Ocean View School (107)				7,480
Oceanair (108)				3,665
Suburban Park (215)				3,170
Wesley (217)				4,968
Split precincts				Population
710 Norfolk (partial precincts)				1,493
Granby (301)				1,493
810 Virginia Beach (partial precincts)				0
Chesapeake Beach (517)				0

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District: 1	Total Population: 72,324	Ideal: 60,010	Deviation: 6.97%
Counties and Cities			Population
105 Lee			25,587
169 Scott			23,177
Precincts			Population
139 Bristol (Part)			0
Ward 4 Part 2 (0041)			0
191 Washington (Part)			7,333
Bares Place (001)			1,568
Meadows (002)			784
Valley Institute (003)			2,953
197 Wise (Part)			10,404
Big Stone Gap (001)			6,027
East Stone Gap (002)			4,377
Split precincts			Population
191 Washington (part precincts)			1,456
Greendale (202)			980
Wallace (703)			476
195 Wise (part precincts)			4,301
Clinch Valley (901)			4,301
Wise (302)			2

District: 2	Total Population: 59,063	Ideal: 60,010	Deviation: -53.05%
Counties and Cities			Population
051 Dickenson			15,050
730 Norton			3,958
Precincts			Population
167 Russell (Part)			21,048
Cleveland (301)			1,333
Copper Creek (102)			1,830
Dante (302)			1,013
Dougherty (903)			739
East Lebanon (301)			2,938
Elk Garden (401)			2,424
Maccrorie (304)			2,149
North Castlewood (701)			2,917
South Castlewood (101)			2,166
West Lebanon (307)			1,695
191 Wise (Part)			30,884
Appalachia (101)			2,825
Chatcher (402)			1,420
East Pound (203)			2,584
Guest River (303)			1,956
North Coeburn (201)			2,430
South Coeburn (602)			1,880
St. Paul (401)			3,486
West Pound (304)			3,371
Split precincts			Population
167 Russell (partial precincts)			1,379
Castle Hill (401)			653
Honaker (301)			726
191 Wise (partial precincts)			1,899
Clinch Valley (401)			17
Wise (302)			1,882

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District: 3	Total Population: 68,212	Ideal: 68,010		Deviation: 17.25%
Counties and Cities				Population
027 Jackson				34,698
Precincts				Population
147 Roswell (Part)				1,139
Dell (001)				127
Seneca Creek (002)				2,761
151 Tattnall (Part)				11,953
Alder Valley (101)				681
Arbor (110)				1,134
Ascauga (107)				173
Brady (112)				635
Baptist Valley (102)				1,619
Bridge (109)				583
Buttercup (103)				634
Barbee Garden (201)				286
Cedar Bluff (301)				4,732
Clear Fork (304)				1,183
Forestdale (307)				108
Gap Store (111)				1,836
Hillcrossville (309)				6,051
Jewell Ridge (402)				588
Pocahontas (106)				1,650
Pounding Mill (305)				1,268
Raven (404)				2,427
Richlands (401)				5,088
Thompson Valley (214)				1,142
Vansant (104)				1,756
Split precincts				Population
147 Roswell (partial, precincts)				1,358
Cedar Mill (101)				30
Hamilton (301)				1,328
151 Tattnall (partial, precincts)				1,734
Falls Mills (105)				885
Tip Top (107)				861

District: 4	Total Population: 73,375	Ideal: 68,010		Deviation: 6.25%
Precincts				Population
120 Bristol (Part)				17,835
Ward 1 (005)				3,853
Ward 2 (002)				4,276
Ward 3 (003)				4,226
Ward 4 Part 1 (004)				5,480
173 Smyth (Part)				5,845
Chilhowie (301)				1,687
Kenmerch (703)				234
St. Clair (302)				934
193 Washington (Part)				43,286
Chatsburg (301)				1,787
Damascus (302)				2,348
Fort Abingdon (201)				5,606
Glade Spring (401)				3,261
Green Cove (304)				439
Hayter's Gap (203)				1,121
High Pines (701)				2,569
John Battle (703)				1,563
Meadowview (402)				4,148
Pine Valley (301)				4,556

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District: 4	Total Population: 73,375	Ideal: 69,010			Deviation: -6.25%
Precincts					Population
South Abingdon (302)					4,745
Watauga (304)					1,881
West Abingdon (305)					3,111
Split precincts					Population
173 Smyth (partial precincts)					4,105
Adwolfe (701)					7
Rich Valley (702)					191
Saltville (705)					1,861
Seven Mile Ford (301)					311
191 Washington (partial precincts)					4,859
Greendale (303)					1,714
Wallace (402)					901
District: 5	Total Population: 69,572	Ideal: 69,010			Deviation: +0.82%
Counties and Cities					Population
077 Grayson					15,533
Precincts					Population
031 Carroll (Part)					6,486
Hillsville C (301)					1,583
Laurel (304)					1,617
Sylvatus (302)					1,138
Vaughn (303)					1,040
Woodlawn 1 (305)					1,109
640 Galax (Part)					1,239
Hawk (607)					1,675
South (801)					1,654
173 Smyth (Part)					15,669
Atkins (301)					2,973
East Park (401)					2,669
Royal Oak East (601)					3,109
Royal Oak West (602)					2,210
Sugar Grove (701)					1,731
Wassaw (901)					1,805
West Park (902)					1,943
197 Wythe (Part)					15,656
Georgetown (501)					1,505
Fort Chiswell (401)					2,345
Huddle (502)					1,139
Jackson Monument (301)					2,047
Rural Retreat (302)					3,739
Shelby (303)					2,970
Zion (503)					1,980
Split precincts					Population
640 Galax (partial precincts)					3,782
East (604)					1,583
173 Smyth (partial precincts)					6,984
Adwolfe (701)					2,388
Rich Valley (702)					1,617
Saltville (705)					331
Seven Mile Ford (301)					2,654
197 Wythe (partial precincts)					3
West Wytheville (201)					3
District: 6	Total Population: 73,250	Ideal: 69,010			Deviation: -6.15%

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District: 6	Total Population: 73,780	Ideal: 66,010		Deviation: 6.45%
Counties and Cities				Population
021 Bland				6,824
Precincts				Population
073 Giles (Part)				15,707
Eggleston (301)				1,397
Glen Lyn (101)				591
Hanover (103)				1,086
Pearisburg (201)				4,160
Pembroke (202)				1,215
Rich Creek (102)				1,427
Stuffleboro (302)				748
White Gate (203)				589
155 Pulaski (Part)				22,651
Belspring (101)				1,313
Draper (201)				2,116
Idioso (402)				5,631
Pine River (107)				1,718
Newbern (203)				1,486
Robertson (301)				4,602
South Pulaski (303)				1,117
Walker (402)				1,171
West Draper (104)				2,073
185 Tazewell (Part)				8,972
Cedar (302)				2,310
Springville (301)				2,762
197 Wythe (Part)				8,939
East Wytheville (301)				5,150
Mine Meadows (403)				2,550
Royal Oak (101)				1,239
Split precincts				Population
185 Tazewell (partial precincts)				470
Falls Mills (104)				386
Tip Top (105)				81
197 Wythe (partial precincts)				4,617
West Wytheville (201)				4,617

District: 7	Total Population: 75,560	Ideal: 66,010		Deviation: 6.91%
Counties and Cities				Population
750 Radford				16,988
Precincts				Population
121 Montgomery (Part)				12,302
B-2 (202)				1,483
B-3 (203)				3,203
B-4 (204)				4,297
C-1 (301)				4,521
C-2 (302)				3,145
C-3 (303)				1,488
C-4 (304)				2,734
D-1 (401)				2,062
D-2 (402)				2,927
D-3 Part 1 (403)				1,386
D-3 Part 2 (913)				1
D-4 (404)				1,143
D-5 (405)				1,102
E-1 (501)				11,594
E-2 (502)				1,247

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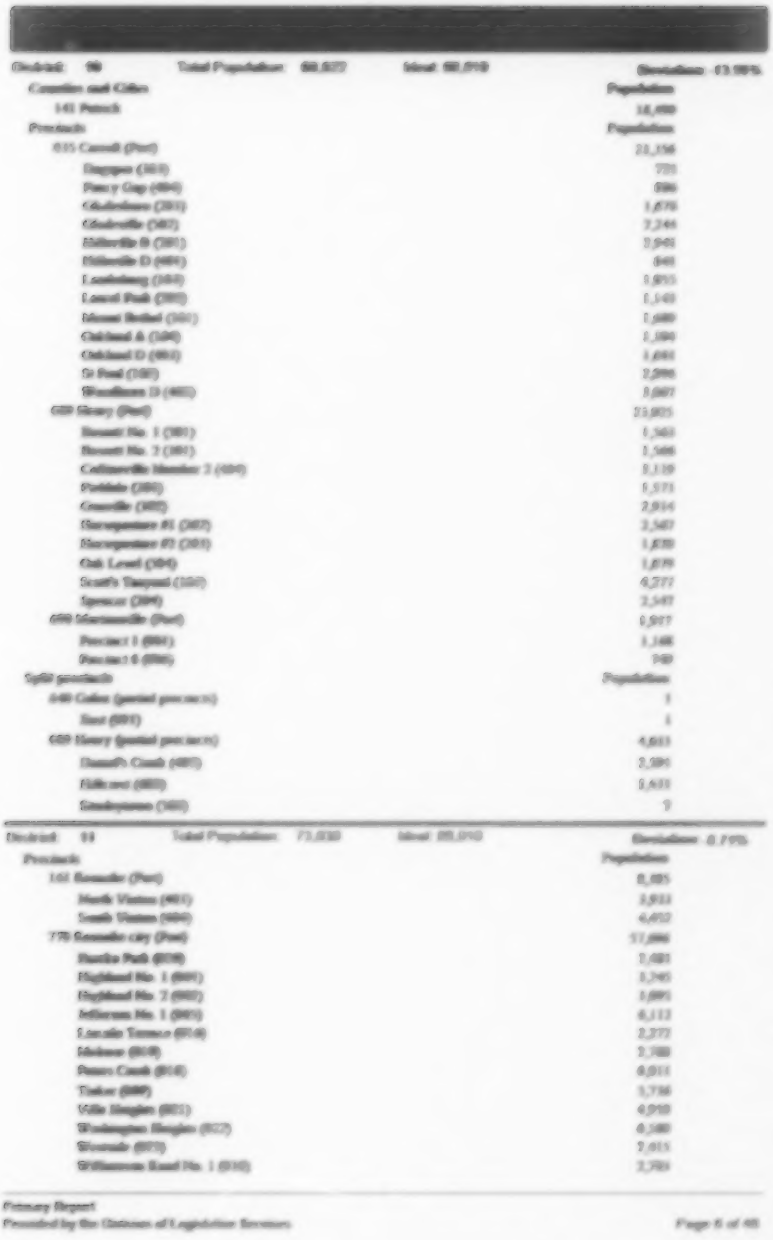
District: 9	**Total Population: 75,589**	**Ideal: 80,010**		**Deviation: -5.51%**
Precincts				**Population**
151 Dalsdo (Part)				7,331
Dublin (301)				4,536
Hanover (302)				836
Somerville (304)				1,865
Split precincts				**Population**
123 Montgomery (partial precinct)				178
P-1 (601)				178

District: 8	**Total Population: 74,482**	**Ideal: 80,010**		**Deviation: -6.94%**
Counties and Cities				**Population**
775 Salem				34,882
Precincts				**Population**
140 Roanoke (Part)				40,789
Bennett Springs (107)				1,042
Bent Mountain (401)				848
Cattle Back (305)				4,573
Catawba (306)				1,308
Cave Spring (303)				2,305
Cotton Hill (101)				2,711
Garst Mill (308)				2,667
Glenvar (103)				2,610
Green Hill (106)				3,131
Mason Valley (102)				1,888
Mount Vernon (105)				2,113
Northside (104)				2,841
Oak Grove (304)				3,562
Penn Forest (302)				2,133
Peters Creek (101)				1,977
Preston Hill (301)				1,586
Wildwood (108)				2,187
Windsor Hills (301)				2,158
Split precincts				**Population**
161 Roanoke (partial precinct)				3,958
Belmont Springs (204)				1,420
Hollow (206)				88

District: 9	**Total Population: 82,884**	**Ideal: 80,010**		**Deviation: 3.57%**
Counties and Cities				**Population**
063 Floyd				15,270
067 Franklin				56,159
Precincts				**Population**
141 Pittsylvania (Part)				3,730
Brookville (602)				104
Callands (307)				1,560
Sandy Level (304)				1,462
Split precincts				**Population**
143 Pittsylvania (partial precinct)				6,030
Counsel (302)				771
Chatam (306)				1,585
Dry Fork (307)				161
East Gretna (309)				661
Gretna (307)				1,589
Motley Springs (302)				915
Swansonville (304)				84



District: 10 Total Population: 68,627 Ideal: 68,010 Deviation: -13.19%

Counties and Cities	Population
141 Pintch	18,450
Precincts	**Population**
035 Carroll (Part)	23,156
Dupree (303)	731
Percy Gap (304)	596
Gladesboro (201)	1,670
Gladesville (302)	7,244
Hillsville 9 (301)	2,945
Hillsville D (404)	848
Lambsburg (303)	1,955
Laurel Park (201)	1,143
Mount Bethel (301)	1,680
Oakland A (304)	1,350
Oakland D (401)	1,491
St Paul (102)	2,996
Woodlawn D (401)	3,067
089 Henry (Part)	23,021
Bassett No. 1 (301)	1,563
Bassett No. 2 (401)	1,506
Collinsville Member 2 (404)	3,119
Fieldale (201)	1,571
Grassville (402)	2,914
Horsepasture #1 (302)	2,567
Horsepasture #2 (303)	1,830
Oak Level (304)	1,879
Scott's Tanyard (102)	4,277
Spencer (204)	2,547
690 Martinsville (Part)	5,917
Precinct 1 (804)	1,346
Precinct 6 (806)	949
Split precincts	**Population**
640 Galax (partial precincts)	1
East (601)	1
089 Henry (partial precincts)	4,013
Danish Creek (401)	2,381
Hillcrest (403)	1,631
Smithsystem (301)	2

District: 11 Total Population: 73,030 Ideal: 68,010 Deviation: 7.75%

Precincts	Population
161 Roanoke (Part)	8,485
North Vinton (401)	3,933
South Vinton (404)	4,652
770 Roanoke city (Part)	57,886
Hunter Park (838)	1,681
Highland No. 1 (801)	1,745
Highland No. 2 (802)	1,891
Jefferson No. 1 (901)	6,112
Lincoln Terrace (914)	2,277
Melrose (818)	2,788
Penn Creek (814)	6,011
Tinker (889)	1,736
Ville Heights (821)	4,910
Washington Heights (822)	6,180
Westside (873)	2,015
Williamson Road No. 1 (810)	2,789

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District: 11	Total Population: 73,030	Ideal: 69,010		Deviation: 5.71%
Precincts				Population
Williamson Road No. 2 (011)				1,520
Williamson Road No. 3 (012)				2,610
Williamson Road No. 4 (013)				7,014
Williamson Road No. 5 (014)				1,134
Split precincts				Population
770 Roanoke city (partial precincts)				6,957
Jefferson No. 2 (006)				1,911
Raleigh Court No. 1 (024)				2,715
South Roanoke No. 1 (031)				686
South Roanoke No. 2 (034)				30
Wasena (040)				1,641

District: 12	Total Population: 75,083	Ideal: 69,010		Deviation: 8.49%
Counties and Cities				Population
005 Alleghany				16,250
017 Bath				4,731
580 Covington				5,961
045 Craig				5,190
Precincts				Population
071 Giles (Part)				1,529
Newport (303)				1,529
121 Montgomery (Part)				34,376
A-1 (301)				2,637
A-2 (302)				5,946
A-3 (305)				4,609
B-1 (306)				2,948
F-2 (603)				5,588
G-1 (701)				5,222
G-2 (702)				8,132
Split precincts				Population
121 Montgomery (partial precincts)				7,046
F-1 (601)				7,046

District: 13	Total Population: 143,670	Ideal: 69,010		Deviation: 108.25%
Precincts				Population
107 Loudoun (Part)				62,004
Aldie (309)				1,232
Bear Woods (311)				5,301
Center (317)				5,771
Claude Moore Park (212)				0,510
Eagle Ridge (308)				6,191
Freedom (312)				9,009
Hutchison (109)				6,833
Legacy (316)				6,012
Mercer (104)				7,234
Middleburg (307)				1,685
Mill Run (113)				4,902
Pinebrook (315)				4,724
153 Prince William (Part)				134,885
Abrey (406)				7,157
Battlefield (402)				5,079
Bennett (302)				7,838
Bennetsville (301)				7,037
Bristow Run (111)				6,195
Buckhall (305)				1,169

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District:	93	Total Population:	100,630	Ideal: 69,010	Deviation: 130.25%
Precincts					Population
	Buckland Mills (110)				7,948
	Bull Run (401)				3,440
	Cedar Point (112)				6,545
	Elks (104)				1,370
	Evergreen (401)				1,402
	Glenbrook (406)				3,932
	Leesmoor (111)				4,496
	Marshall (203)				4,581
	Marvelle (307)				6,943
	Mountain View (410)				6,560
	Mullins (411)				8,173
	Nokesville (104)				4,680
	Pace West (412)				7,934
	Signal Hill (114)				6,172
	Smiley Heath (408)				6,096
	Victory (108)				11,807
Split precincts					Population
	153 Prince William (partial precincts)				2,691
	Woodbine (209)				2,691

District:	94	Total Population:	64,712	Ideal: 69,010	Deviation: -6.22%
Counties and Cities					Population
	199 Danville				40,855
Precincts					Population
	089 Henry (Part)				13,288
	Fontaine (901)				2,210
	Irvinag (104)				3,062
	Mount Olivet (304)				2,907
	Ridgeway #1 (501)				1,242
	Ridgeway #2 (504)				2,025
	143 Pittsylvania (Part)				2,681
	Stonville (606)				2,039
	Piney Knoll (703)				604
Split precincts					Population
	089 Henry (partial precincts)				596
	Hillcrest (902)				396
	143 Pittsylvania (partial precincts)				5,442
	Berkshire Hall (702)				1,504
	Keatsch (404)				0
	Kinggold (403)				3,932

District:	95	Total Population:	70,102	Ideal: 69,010	Deviation: 2.39%
Counties and Cities					Population
	139 Page				24,042
	157 Rappahannock				7,371
	171 Shenandoah				41,593
Precincts					Population
	161 Buckingham (Part)				4,594
	Smith Run (402)				4,594
Split precincts					Population
	165 Buckingham (partial precincts)				500
	Elkton (500)				500

District:	96	Total Population:	70,220	Ideal: 69,010	Deviation: 67.20%
Precincts					Population

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District: 96	Total Population: 70,229	Ideal: 68,010	Deviation: 92.26%
Precinct			Population
089 Emory (Part)			10,631
Acton (303)			2,185
Collinsville Number 1 (501)			1,889
Dyess Store (503)			1,016
Pipdream (540)			2,002
Mountain Valley (301)			1,045
Mountain View (407)			1,494
090 Martinsville (Part)			11,594
Precinct 2 (602)			1,110
Precinct 3 (603)			2,623
Precinct 4 (604)			5,179
Precinct 5 (605)			2,572
103 Pittsylvania (Part)			53,495
Chatham (301)			1,943
East Blairs (307)			2,137
Hurt (501)			5,035
Ewing (502)			2,663
Mt. Airy (508)			882
Mt. Cross (703)			2,951
Mt. Hermon (704)			4,130
Rowes (903)			1,719
Roxville (305)			1,609
Stony Mill (903)			2,600
Tunstall (306)			1,955
Twin Springs (105)			4,175
West Blairs (108)			1,132
Whitmell (907)			1,999
Split precincts			Population
089 Emory (partial precincts)			1,980
Dimer's Creek (402)			46
Smithtown (310)			1,932
103 Pittsylvania (partial precincts)			13,110
Berkshire Hall (302)			718
Council (304)			1,505
Climax (209)			111
Gity Park (807)			987
East Gretna (409)			759
Gretna (307)			987
Keatsch (304)			1,472
Motley Sycamore (502)			2,854
Ringgold (407)			1
Swansonville (804)			2,138

District: 97	Total Population: 73,149	Ideal: 68,010	Deviation: 8.59%
Precinct			Population
021 Danielsen (Part)			6,316
Cloverdale (303)			4,048
Cayuse Springs (301)			1,867
161 Roanoke (Part)			32,141
Bonsack (402)			598
Burlington (203)			2,301
Cloverbrook (305)			2,163
Hunting Hills (307)			3,233
Lindenwood (403)			4,079

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District: 97	Total Population: 73,140	Ideal: 69,010		Deviation: 6.00%
Precincts				Population
Mount Pleasant (404)				3,854
Mountain View (303)				1,888
Ogden (304)				3,133
Orchards (305)				4,387
Pleasanton (306)				3,615
770 Roanoke city (Part)				28,719
Fishburn Park (801)				1,988
Garden City (817)				3,758
Grandin Court (832)				1,689
Jefferson-Riverdale (807)				4,228
Lee-Hi (835)				3,448
Monterey (817)				3,777
Raleigh Court No. 2 (826)				2,694
Raleigh Court No. 3 (827)				1,949
Raleigh Court No. 4 (828)				1,477
Raleigh Court No. 5 (829)				2,255
Williamson Road No. 6 (815)				2,168
Split precincts				Population
023 Botetourt (partial precincts)				151
Rainbow Forest (302)				121
161 Roanoke (partial precincts)				2,192
Botetourt Springs (204)				31
Hollins (308)				2,569
770 Roanoke city (partial precincts)				4,569
Jefferson No. 2 (808)				51
Raleigh Court No. 1 (824)				215
South Roanoke No. 1 (831)				1,302
South Roanoke No. 2 (834)				2,046
Weaver (810)				46

District: 98	Total Population: 67,017	Ideal: 69,010		Deviation: 3.59%
Counties and Cities				Population
187 Warren				37,575
Precincts				Population
661 Pasquo (Part)				28,783
Arlie (301)				2,278
Bend Run (307)				2,510
Courthouse (201)				4,522
Lewis (402)				3,110
Marshall (401)				3,805
The Plains (301)				3,214
Warrenton (304)				3,987
Waterloo (403)				5,205
669 Prudwick (Part)				10,501
Canterbury (303)				4,640
Cedar Creek (104)				2,486
Stephens City (501)				3,457
Split precincts				Population
069 Prudwick (partial precincts)				5,860
Westmore (302)				4,540
Parkins Mill (901)				1,186

District: 99	Total Population: 70,305	Ideal: 69,010		Deviation: 2.00%
Counties and Cities				Population
165 Bedford city				6,222

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District:	99	Total Population: 78,346	Ideal: 80,010	Deviation: -2.08%
Precincts				Population
010	Redford (Part)			45,612
	Redford Christian Church (701)			2,739
	Redford County Fire (302)			3,104
	Big Island Elem School (502)			1,104
	Greenhouse Elem School (503)			2,703
	Greenhouse Raritan Club (500)			2,000
	Forest Elem School (401)			1,455
	Forest Youth Athletic Assoc. (304)			1,601
	Gentle Rescue Squad (701)			7,036
	Goodriver Elem School (101)			6,191
	Hardy Fire & Rescue Bldg (302)			1,305
	Liberty High School (702)			2,900
	Montvale Elem School (601)			2,537
	Odd Fellows Hall (500)			514
	Sedalia Center (501)			1,350
	Shady Grove Baptist Church (602)			2,986
	Stark Springs (704)			882
	Thomas Elem School (603)			3,000
	Thomas Jefferson Elem School (402)			4,823
011	Bentonet (Part)			23,804
	Amsterdam (101)			2,353
	Asbury (302)			1,851
	Blue Ridge (304)			3,329
	Buchanan (301)			2,571
	Courthouse (402)			2,650
	Eagle Rock (403)			1,291
	Glen Wilton (404)			1,001
	Mill Creek (302)			1,597
	Ordinary (901)			94
	Running Run (305)			742
	Springmead (304)			1,601
	Town Hall (406)			1,707
	Troutville (304)			1,894
Split precincts				Population
023	Bentonet (partial precincts)			2,727
	Rainbow Forest (207)			2,727

District:	20	Total Population: 76,880	Ideal: 80,010	Deviation: -4.01%
Counties and Cities				Population
091	Highland			2,321
700	Staunton			23,746
Precincts				Population
015	Augusta (Part)			28,388
	Bullpike Gap (901)			1,987
	Cedar Green (903)			2,134
	Churchville Fire Station (304)			1,556
	Churchville School (402)			1,982
	Craigsville (907)			1,071
	Deerfield (604)			644
	Hope (102)			1,178
	Greenville (501)			1,099
	Jollyton (301)			2,463
	Mount Solon (303)			2,130
	North River (302)			1,539
	Stuarts Draft (807)			5,457
165	Rockingham (Part)			21,527

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District:	20	Total Population:	Ideal: 80,010	Deviation: -4.09%
Precincts				Population
	Hedgeyville (401)			5,644
	Mercurette Springs (501)			7,110
	Montezuma (402)			7,032
	Mt. Cleveland (403)			417
	North River (301)			1,780
	Omaloso (207)			3,916
District:	21	Total Population:	Ideal: 80,010	Deviation: -4.93%
Precincts				Population
	810 Virginia Beach (Part)			71,976
	Bellamy (643)			5,233
	Dahlia (973)			7,710
	Edinburgh (954)			1,998
	Glenwood (958)			4,535
	Hillcrest (687)			3,647
	Indian Lakes (970)			1,963
	Malibu (964)			4,747
	Mt Tiashuano (911)			6,046
	Rosemont Forest (664)			5,723
	Round Hill (971)			7,268
	Thalia (838)			3,035
	Timberlake (845)			6,534
	Village (870)			5,620
	Windsor Oaks (836)			6,507
Split precincts				Population
	810 Virginia Beach (partial precincts)			4,099
	Calumet (961)			4,099
District:	22	Total Population:	Ideal: 80,010	Deviation: 2.35%
Counties and Cities				Population
	631 Campbell			54,842
Precincts				Population
	619 Bedford (Part)			23,204
	Bethesda Methodist Church (107)			1,252
	Body Camp Elem School (204)			756
	Chamblissburg Fire Aid Bldg (101)			1,470
	Huddleston Elem School (305)			1,951
	Knights Of Columbus Bldg (403)			1,571
	Moneta Elem School (203)			4,830
	New London Academy (101)			4,468
	Piedmont View (307)			611
	Saunders Grove Brethren Church (604)			508
	Saunders Vol Fire Dept (205)			2,272
	Staunton River High School (307)			2,575
District:	23	Total Population:	Ideal: 80,010	Deviation: 1.19%
Counties and Cities				Population
	680 Lynchburg			75,568
Precincts				Population
	009 Amherst (Part)			5,180
	Coolwell (105)			1,192
	Lusco (407)			1,865
	Wright Shop (101)			2,271
District:	24	Total Population:	Ideal: 80,010	Deviation: 0.55%
Counties and Cities				Population
	550 Roanoke City			4,650

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District:	34	Total Population: 72,372	Ideal: 80,010	Deviation: -9.55%
Counties and Cities				Population
678 Lexington				7,842
161 Rockbridge				22,307
Precincts				Population
669 Amherst (Part)				27,823
Amelon (401)				4,795
Courthouse (201)				4,730
Elon (107)				1,598
Madison (301)				6,234
Monroe (301)				1,973
New Glasgow (102)				2,916
Pleasant View (307)				1,830
Temperance (302)				1,755
015 Augusta (Part)				9,316
Middlebrook (102)				1,549
Sherando (001)				2,533
Spottswood (103)				1,709
White Hill (104)				3,685

District:	35	Total Population: 83,601	Ideal: 80,010	Deviation: 4.49%
Counties and Cities				Population
820 Waynesboro				21,006
Precincts				Population
003 Albemarle (Part)				11,088
Brownsville (004)				4,642
Crozet (001)				5,585
Yellow Mountain (003)				934
015 Augusta (Part)				35,194
Crimora (201)				4,839
Dooms (301)				2,944
Fishersville (002)				4,811
Fort Defiance (304)				3,978
Lyndhurst (003)				3,695
Mint Hope (202)				2,623
Verona (107)				5,153
Weyers Cave (204)				3,849
Wilson (003)				4,305
165 Rockingham (Part)				13,982
Cross Keys (306)				1,574
Gentians (304)				2,660
McGaheysville (101)				3,788
Port Republic (302)				2,073
South Fork (104)				1,878
Stony Run (107)				2,010
Split precincts				Population
165 Rockingham (partial precincts)				2,321
Elkton (301)				2,321

District:	36	Total Population: 82,704	Ideal: 80,010	Deviation: 3.37%
Counties and Cities				Population
660 Harrisonburg				48,914
Precincts				Population
165 Rockingham (Part)				33,790
Bergton (104)				798
Broadway (101)				1,587
Dayton (404)				1,130
Elkton (301)				1,916

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District:	26	Total Population: 82,794	Ideal: 80,010	Deviation: 3.37%
Precincts				Population
	Falls Run (103)			2,688
	Kenilworth (101)			1,783
	Lacey Spring (105)			1,044
	Melrose (301)			3,055
	Mt. Clinton (304)			2,916
	Plains (107)			3,602
	Silver Lake (405)			6,962
	Singers Glen (201)			7,015
	Tenth Legion (106)			1,658
	Timberville (102)			1,922
District:	27	Total Population: 87,915	Ideal: 80,010	Deviation: 9.88%
Precincts				Population
	041 Chesterfield (Part)			87,915
	Beulah (205)			5,050
	Bird (303)			4,038
	Birkdale (317)			4,140
	Chippenham (307)			2,731
	Cosby (307)			5,043
	Creighton (414)			5,171
	Deer Run (305)			1,978
	Falling Creek (305)			5,531
	Five Forks (210)			5,575
	Gates (201)			5,053
	Genito (402)			7,899
	Ivanhoe (204)			2,953
	La Prade (405)			3,925
	Meadowbrook (204)			5,053
	Providence (404)			4,229
	S. Manchester (308)			4,514
	Southside (213)			6,698
	Spring Run (314)			4,960
	St. Lukes (212)			2,790
District:	28	Total Population: 94,569	Ideal: 80,010	Deviation: 18.01%
Counties and Cities				Population
	630 Fredericksburg			24,286
Precincts				Population
	179 Stafford (Part)			63,914
	Brooke (401)			7,268
	Chatham (502)			5,697
	Courthouse (407)			7,475
	Drew (305)			3,851
	Falmouth (302)			5,667
	Ferry Farm (801)			4,197
	Gayle (304)			6,755
	Grafton (304)			4,738
	Harbor (305)			4,193
	Rausch (304)			4,723
	White Oak (601)			5,438
	Woodlands (701)			3,904
Split precincts				Population
	179 Stafford (partial precincts)			7,670
	Aquia (901)			3,533
	Whitson (702)			1,537
	Widewater (302)			2,600

District: 29	Total Population: 80,040	Ideal: 80,010		Deviation: 10.05%
Counties and Cities				Population
840 Winchester				26,284
Precincts				Population
669 Frederick (Part)				14,882
Allen (202)				4,820
Ash Hollow (602)				4,167
Cagney Valley (401)				4,131
Clear Brook (101)				2,484
Gainesborough (701)				2,252
Gore (102)				4,501
Greenwood (603)				5,453
Kernstown (103)				3,797
Millbrook (601)				1,150
Mills Town (302)				5,102
Redland (201)				4,079
Russells (104)				3,277
Shenandoah (407)				2,570
White Hall (301)				5,233
Split precincts				Population
669 Frederick (partial precincts)				6,984
Hewstown (502)				105
Perkins Mill (403)				6,879

District: 30	Total Population: 80,089	Ideal: 80,010		Deviation: 12.92%
Counties and Cities				Population
047 Culpeper				46,689
113 Madison				13,398
Precincts				Population
137 Orange (Part)				20,870
Five Mends (301)				2,983
Five South (302)				4,550
Four East (602)				6,888
Four West (601)				3,294
One East (102)				1,600
Three (301)				6,100
Two East (202)				2,730
Two West (201)				2,723
Split precincts				Population
137 Orange (partial precincts)				141
One West (101)				141

District: 31	Total Population: 80,567	Ideal: 80,010		Deviation: 10.72%
Precincts				Population
661 Fauquier (Part)				10,430
Baldwin Ridge (201)				4,319
Cannaway (107)				1,760
Culbert (102)				4,399
Kettle Run (101)				2,563
New Baltimore (302)				6,470
153 Prince William (Part)				68,687
Bel Air (606)				6,859
Benton (303)				6,653
Bristle (203)				4,660
Dale (601)				5,177
Hampton (608)				6,386
Freedom (609)				4,335
Godwin (603)				8,159

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District:	34	Total Population:	80,587	Ideal: 80,010	Deviation: 10.72%
Precinct					Population
	King (306)				5,388
	Lodge (307)				6,036
	Minnieville (605)				5,275
	Nokesville (607)				6,074
	Park (309)				2,687
	Saunders (204)				7,434
Split precincts					Population
153	Prince William (partial precincts)				680
	Forest Park (310)				28
	Penn (210)				2
	Woodbine (309)				650

District:	35	Total Population:	112,677	Ideal: 80,010	Deviation: 40.83%
Precinct					Population
107	Loudoun (Part)				112,677
	Algonkian (304)				5,138
	Ashburn Farm (102)				6,436
	Belmont Ridge (815)				7,092
	Cascades (210)				6,911
	Cedar Lane (810)				4,273
	Countryside (213)				3,876
	Dominion (811)				4,997
	Farmwell Station (812)				5,170
	Hillside (105)				5,746
	Lowes Island (607)				3,503
	Mercer Ridge (604)				5,833
	Newton-Lee (814)				8,269
	Potomac Falls (209)				3,782
	River Bend (207)				2,170
	Russell Branch (809)				4,397
	Sanders Corner (101)				4,018
	Soldier's Landing (813)				7,254
	Sterling (608)				3,676
	South Bank (609)				4,246
	Stone Bridge (808)				4,980
	Sugarland North (604)				4,750
	Sugarland South (605)				5,006
	Weller (816)				4,475

District:	33	Total Population:	113,100	Ideal: 80,010	Deviation: 41.38%
County and Cities					Population
043	Clarke				14,034
Precinct					Population
107	Loudoun (Part)				99,066
	Bulls Bluff (406)				6,671
	Between The Hills (506)				515
	Brambleton Park (506)				3,111
	Chalets Gap (409)				2,369
	Coral Springs (501)				6,251
	Dry Mill (503)				1,949
	East Landing (502)				8,171
	East Lovettsville (611)				2,820
	Evergreen (408)				6,810
	Greenway (905)				2,173
	Hamilton (304)				5,215
	Harper Park (407)				6,320

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District: 33	Total Population: 113,100	Ideal: 88,010	Deviation: 41.36%
Precincts			Population
Heritage (412)			2,899
Hillsboro (301)			2,904
Lockatu (403)			3,439
Richmont (305)			2,507
Poorsville One (301)			4,177
Poorsville Two (310)			6,721
Round Hill (302)			2,952
Smart's Mill (309)			6,153
St. Louis (308)			1,863
Talbert (410)			6,902
Waterford (402)			3,288
West Leesburg (301)			3,896
West Lauretteville (401)			3,604
Woodgrove (311)			3,133

District: 36	Total Population: 74,627	Ideal: 88,010	Deviation: -6.73%
Precincts			Population
030 Paisley (Part)			74,627
Clem Bridge (401)			4,730
Chestnutmark (302)			3,258
Churchill (401)			2,178
Clearview (321)			5,784
Calvin (310)			3,348
Cooper (304)			2,983
Ill Hide (305)			3,156
Poorsville (322)			4,234
Great Falls (308)			2,525
Hickory (320)			4,221
Emerson (309)			4,966
Langley (311)			2,738
Magarity (730)			7,185
Solons (316)			3,823
Seneca (339)			6,447
Shawn (323)			3,039
Spring Hill (331)			3,012
Sugarland (337)			4,240
Tysons (731)			5,025

District: 36	Total Population: 87,338	Ideal: 88,010	Deviation: 0.14%
Precincts			Population
030 Paisley (Part)			87,338
Blake (701)			8,118
Eagle View (853)			6,005
Fox Oaks (840)			2,957
Pine Hill (802)			5,913
Freedom Hill (804)			3,338
Kilmer (734)			5,940
Monument (852)			6,552
Monterey (739)			5,459
Oak Mine (737)			5,086
Oakton (727)			3,363
Prudentmark (710)			5,316
Vale (914)			4,086
Vienna 01 (217)			5,998
Vienna 02 (214)			4,158
Vienna 04 (216)			2,997
Vienna 06 (218)			2,853

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District: 36	Total Population: 67,320	Ideal: 69,010		Deviation: 2.14%
Precincts				Population
Westlane (210)				5,268
Wolftrap (220)				4,440
District: 36	Total Population: 74,325	Ideal: 69,010		Deviation: -7.15%
Precincts				Population
010 Fairfax (Part)				74,325
Aldrin (230)				6,352
Cameron Glen (230)				4,836
Dogwood (230)				7,650
Fox Mill (230)				6,642
Glade (231)				5,132
Hunters Woods (221)				3,302
Reston (860)				6,314
North Point (233)				6,986
Reston #1 (308)				4,716
Reston #2 (309)				4,703
Reston #3 (227)				3,740
South Lakes (224)				5,694
Sunrise Valley (227)				2,378
Terraset (223)				6,940
District: 37	Total Population: 75,240	Ideal: 69,010		Deviation: 8.99%
Counties and Cities				Population
010 Fairfax city				22,565
Precincts				Population
010 Fairfax (Part)				52,681
Bonnie Brae (120)				3,370
Camelot (522)				1,788
Fairfax A (8700)				1,252
Masons (707)				3,021
Morley (709)				9,834
Olde Creek (109)				3,282
Pine Ridge (718)				6,160
Pryce (711)				3,607
Ridgelea (530)				1,827
Robinson (121)				6,304
Sideburn (130)				4,130
Villa (121)				3,204
Woodburn (117)				7,314
District: 38	Total Population: 70,940	Ideal: 69,010		Deviation: 2.83%
Precincts				Population
010 Fairfax (Part)				70,940
Barcroft (502)				4,848
Belvedere (503)				2,307
Bren Mar (528)				6,136
Edsall (527)				2,851
Fort Buffalo (705)				3,551
Glen Forest #2 (529)				1,439
Graham (705)				3,591
Greenway (704)				3,959
Holmes #2 (530)				3,900
Lincolnia (507)				6,215
Mooreville (540)				3,049
Parkhaven (510)				3,395
Poe (523)				4,739
Ravenwood (511)				2,326

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District: 38	Total Population: 70,940	Ideal: 68,010	Deviation: -3.83%
Precinct			Population
Saint Albans (513)			3,731
Sleepy Hollow (512)			1,978
Westboro (515)			1,946
Weymouth (516)			6,152
Whittier (520)			6,100
Williton (517)			6,123

District: 39	Total Population: 70,162	Ideal: 68,010	Deviation: 2.20%
Precinct			Population
039 Pontiac (Part)			70,162
Albion (623)			2,247
Bristow (102)			5,360
Brush Hill (521)			3,770
Chapel (104)			3,156
Columbia (518)			6,502
Crestwood (415)			4,916
Garfield (417)			6,713
Greenspring (426)			2,940
Heritage (360)			0,805
Hanover (519)			2,770
Kings Park (108)			4,133
Lawnwood (531)			1,983
Long Branch (122)			2,198
Lynbrook (418)			4,867
North Springfield # 1 (110)			3,674
North Springfield # 2 (111)			1,026
Oak Hill (113)			3,910
Olley (120)			2,651
Ravenswoods (115)			2,466
Wakefield (116)			2,966

District: 40	Total Population: 69,835	Ideal: 68,010	Deviation: 1.03%
Precinct			Population
039 Pontiac (Part)			69,835
Bell Run (923)			2,891
Centre Ridge (904)			6,950
Centreville (918)			8,175
Chilton (803)			5,430
Deer Park (921)			4,876
Fenton Station (805)			4,213
Green Trails (919)			0,970
London Towne West (924)			5,844
Newgate North (849)			2,394
Newgate South (854)			6,895
Old Mill (925)			4,280
Paper Hand (841)			4,178
Powell (926)			8,364
Virginia Run (915)			3,678
Willow Springs (851)			7,891

District: 41	Total Population: 70,834	Ideal: 68,010	Deviation: 01.72%
Precinct			Population
039 Pontiac (Part)			70,834
Burke (802)			7,602
Burke Center (127)			7,971
Cherry Run (825)			,837
Fairview (103)			6,948

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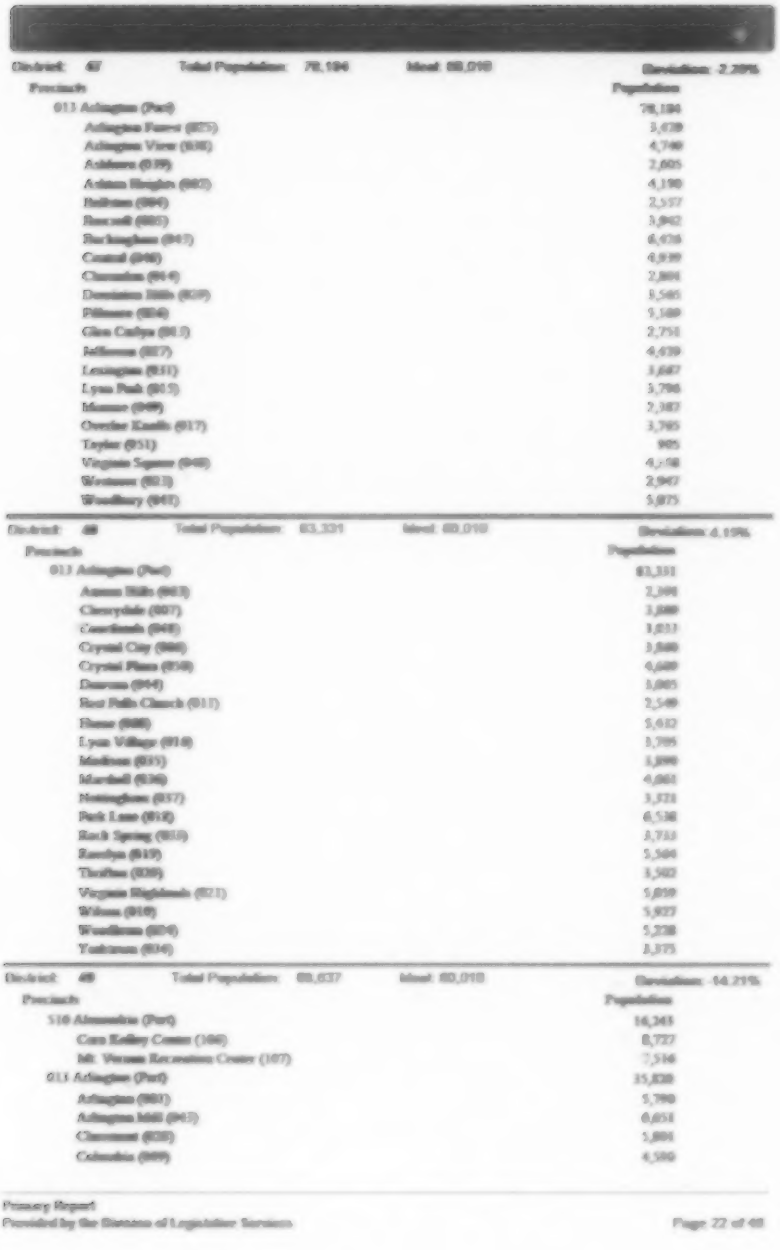
District:	**41**	**Total Population:**	**70,834**	**Ideal: 80,010**	**Deviation: -11.72%**
Precincts					**Population**
	Lake Braddock (118)				6,895
	Laurel (139)				5,611
	George (824)				5,598
	Parkway (842)				3,144
	Pelnick (831)				5,702
	Seagrave (830)				3,601
	Signal Hill (123)				4,257
	Twin Creeks (140)				3,507
	White Oaks (833)				4,914
	Woodyard (815)				2,747
District:	**42**	**Total Population:**	**81,840**	**Ideal: 80,010**	**Deviation: 2.29%**
Precincts					**Population**
	050 Pardee (Part)				81,840
	Cardinal (138)				3,799
	Fountainhead (845)				4,864
	Gunston (816)				9,033
	Hunt (824)				5,415
	Irving (827)				3,350
	Kenne Mill (139)				2,648
	Laurel Hill (838)				6,961
	Lorton (817)				6,353
	Lorton Station (822)				6,674
	Newington (848)				7,713
	Saratoga (808)				7,745
	Silverbrook (810)				4,746
	South County (829)				6,090
	South Run (850)				2,047
	Valley (832)				4,283
	West Springfield (840)				4,176
District:	**43**	**Total Population:**	**78,088**	**Ideal: 80,010**	**Deviation: -2.40%**
Precincts					**Population**
	050 Pardee (Part)				78,088
	Belvoir (819)				5,383
	Bush Hill (801)				4,761
	Clermont (823)				5,839
	Franconia (804)				5,616
	Hayfield (806)				3,836
	Huntley (834)				3,677
	Island Creek (827)				3,893
	Kingstowne (821)				5,771
	Lane (819)				5,322
	Lorton Center (825)				3,439
	Pioneer (809)				9,305
	Rose Hill (810)				6,812
	Van Dorn (832)				5,613
	Villages (836)				5,421
	Virginia Hills (811)				2,270
	Wilton (825)				3,398
District:	**44**	**Total Population:**	**79,883**	**Ideal: 80,010**	**Deviation: -0.16%**
Precincts					**Population**
	050 Pardee (Part)				79,883
	Belle Haven (801)				5,411
	Bucknell (804)				7,343
	Parkfield (813)				12,582

District: 44	Total Population: 79,883	Ideal: 80,010	Deviation: -0.16%
Precincts			Populations
Fort Hunt (605)			2,822
Groveton (605)			14,159
Hollin Hall (606)			2,434
Huntington (607)			9,784
Sherwood (610)			6,612
Stratford (611)			4,505
Weymouth (612)			1,944
Wesgate (613)			4,342
Whitman (614)			2,795
Woodburn (617)			8,222
Woodley (615)			5,450

District: 45	Total Population: 72,709	Ideal: 80,010	Deviation: -9.53%
Precincts			Populations
510 Alexandria (Part)			53,076
Agudas Achim Synagogue (201)			3,652
Blessed Sacrament Church (204)			3,402
Chinquapin Park Recreation Center (206)			4,550
City Hall (102)			1,831
Douglas MacArthur School (209)			5,136
Ducrot Center (104)			4,501
Fire Department Headquarters (103)			5,094
George Mason School (202)			3,548
George Washington Middle School (108)			3,959
Ladrey Senior Building (101)			2,733
Lee Center (105)			6,040
Lyles Crouch School (110)			1,949
Minny School (201)			3,602
511 Arlington (Part)			10,392
Abingdon (822)			3,738
Fairlington (912)			3,693
Thomas Jefferson (840)			3,961
650 Fairfax (Part)			15,641
Belleview (607)			2,702
Cameron (402)			1,630
Grosvenor (821)			3,958
Kilmer (650)			2,705
Mason (809)			2,939
Mount Eagle (406)			2,327

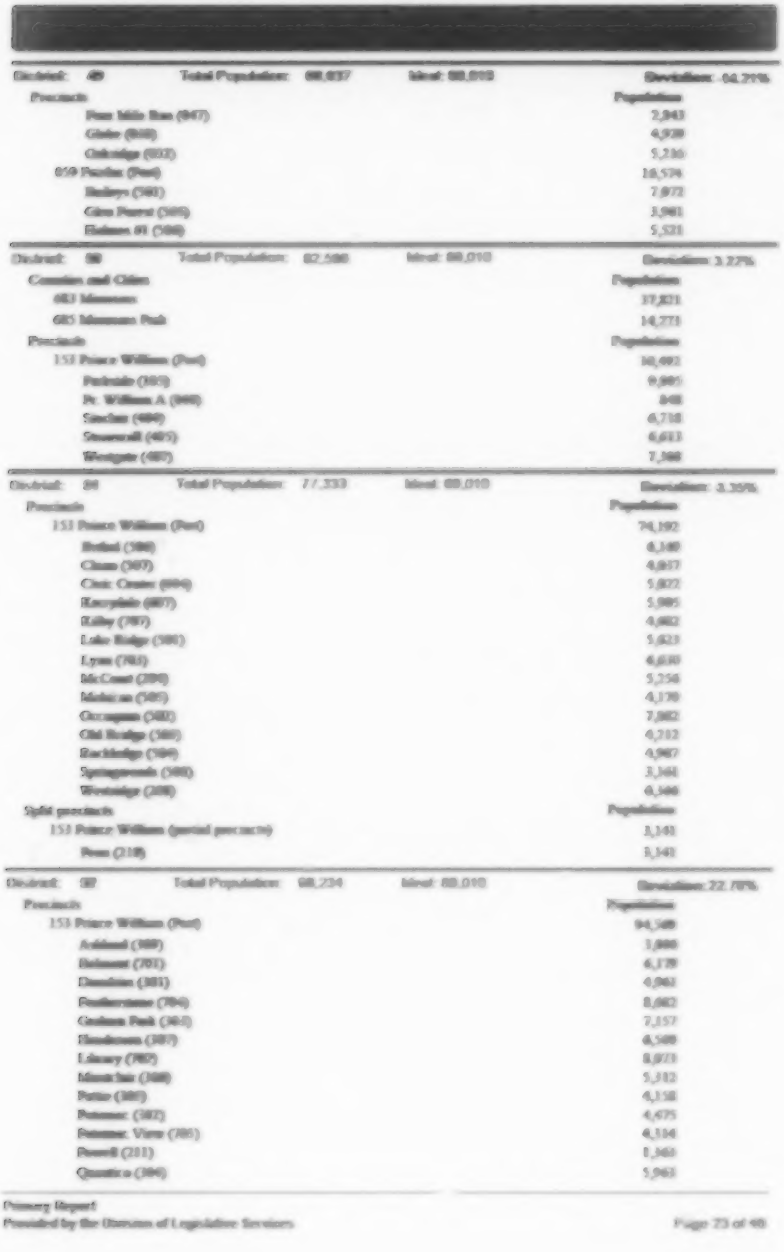
District: 46	Total Population: 77,235	Ideal: 80,010	Deviation: -3.47%
Precincts			Populations
510 Alexandria (Part)			70,647
Cameron Station Community Center (108)			4,832
Charles E. Beatley Library (303)			5,689
James K. Polk School (305)			7,382
John Adams School (307)			9,763
Howe Arts Center (308)			6,471
Patrick Henry Rec Center (301)			5,972
Samuel Tucker School (304)			8,854
South Post (307)			5,151
St. James Church (310)			2,844
Temple Beth El Synagogue (307)			5,905
William Ramsay School (306)			9,184
650 Fairfax (Part)			6,588
Skyline (509)			6,588



District: 47	Total Population: 78,194	Ideal: 68,010	Deviation: 2.29%
Precincts			Population
013 Arlington (Part)			78,194
Arlington Forest (025)			3,439
Arlington View (030)			4,740
Ashlawn (039)			2,605
Ashton Heights (002)			4,190
Baltimore (004)			2,557
Barcroft (005)			3,942
Buckingham (047)			6,436
Central (048)			4,939
Claremont (014)			2,804
Dominion Hills (019)			3,585
Fillmore (024)			3,589
Glen Carlyn (013)			2,751
Jefferson (027)			4,439
Lexington (031)			3,687
Lyon Park (015)			3,796
Munroe (049)			2,387
Overlee Knolls (017)			3,785
Taylor (051)			905
Virginia Square (048)			4,158
Westmoreland (021)			2,947
Woodbury (041)			5,075

District: 48	Total Population: 63,331	Ideal: 68,010	Deviation: -6.88%
Precincts			Population
013 Arlington (Part)			63,331
Aurora Hills (003)			2,391
Cherrydale (007)			3,880
Courthouse (048)			3,033
Crystal City (006)			3,580
Crystal Plaza (050)			4,680
Donovan (044)			3,005
Fort Falls Church (011)			2,549
Hume (008)			5,032
Lyon Village (016)			3,795
Madison (033)			3,890
Marshall (036)			4,061
Nottingham (037)			3,571
Park Lane (018)			6,538
Rock Spring (035)			3,733
Ravelyn (045)			5,504
Thrifton (038)			3,502
Virginia Highlands (023)			5,059
Wilson (010)			5,927
Woodlawn (034)			5,238
Yorktown (026)			3,375

District: 49	Total Population: 68,537	Ideal: 68,010	Deviation: 14.21%
Precincts			Population
510 Alexandria (Part)			16,245
Cora Kelley Center (106)			8,727
Mt. Vernon Recreation Center (107)			7,518
013 Arlington (Part)			35,820
Arlington (001)			5,790
Arlington Mill (043)			6,651
Claremont (020)			5,891
Columbia (009)			4,500



District: 49	Total Population: 68,037	Ideal: 68,010		Deviation: -04.21%
Precincts				Population
Pine Mills Ban (947)				2,843
Globe (868)				4,938
Oakridge (932)				5,230
019 Pacific (Part)				10,579
Baileys (581)				7,872
Glen Forest (589)				3,981
Holmes 01 (586)				5,521
District: 50	Total Population: 82,586	Ideal: 68,010		Deviation: 3.27%
Counties and Cities				Population
683 Manassas				37,821
685 Manassas Park				14,273
Precincts				Population
153 Prince William (Part)				30,492
Parkside (305)				9,895
Pr. William A (940)				848
Sinclair (480)				6,718
Stonewall (405)				6,633
Westgate (487)				7,388
District: 51	Total Population: 77,333	Ideal: 68,010		Deviation: -3.35%
Precincts				Population
153 Prince William (Part)				74,192
Bethel (306)				6,349
Chinn (307)				4,017
Civic Center (694)				5,872
Encoplado (687)				5,985
Kilby (797)				4,682
Lake Ridge (501)				5,623
Lynn (703)				6,630
McCoart (290)				5,256
Mohican (505)				4,170
Occoquan (502)				7,882
Old Bridge (580)				6,712
Rockledge (304)				4,967
Springwoods (588)				3,361
Westridge (308)				6,346
Split precincts				Population
153 Prince William (partial precincts)				3,141
Penn (218)				3,141
District: 52	Total Population: 88,234	Ideal: 68,010		Deviation: 22.78%
Precincts				Population
153 Prince William (Part)				94,589
Ashland (988)				3,886
Belmont (701)				6,179
Dumfries (301)				4,961
Featherstone (704)				8,682
Godwin Park (303)				7,157
Henderson (307)				6,589
Library (705)				8,973
Montclair (308)				5,312
Potter (305)				4,158
Potomac (302)				4,475
Potomac View (706)				4,334
Powell (211)				1,361
Quantico (304)				5,961

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District:	52	Total Population:	80,234	Ideal: 80,010
Precincts				
	Rippon (706)			
	River Oaks (708)			
	Seven Creek (311)			
	Washington Reed (306)			
Split precincts				
153	Prince William (partial precincts)			
	Forest Park (310)			

Deviation: 22.78%

Population
9,834
4,681
5,168
3,600
Population
3,674
3,674

District:	53	Total Population:	80,425	Ideal: 80,010
Counties and Cities				
610	Palo Church			
Precincts				
650	Pardee (Part)			
	Haycock (307)			
	Kirby (310)			
	Longfellow (312)			
	Marshall (708)			
	McLean (314)			
	Mountfield (727)			
	Pimmit (315)			
	Pine Spring (716)			
	Shreve (732)			
	Stenwood (719)			
	Thomas (720)			
	Timber Lane (713)			
	Waller (714)			
	Walnut Hill # 1 (325)			
	Walnut Hill # 2 (728)			
	Westhampton (317)			
	Westmoreland (318)			
	Woodburn (717)			

Deviation: 0.32%

Population
12,332
Population
68,093
3,360
3,043
3,861
9,087
5,387
7,173
5,254
4,655
1,927
1,567
2,282
5,088
5,681
1,464
1,362
3,895
2,839
3,258

District:	54	Total Population:	80,135	Ideal: 80,010
Precincts				
610	Camline (Part)			
	Woodland (301)			
677	Spotsylvania (Part)			
	Battlefield (701)			
	Belmont (301)			
	Bland's Mill (707)			
	Busch (305)			
	Embassburg (302)			
	Chancellor (304)			
	Courthouse (309)			
	Parkview (703)			
	Pennsy Gate (902)			
	Lee Hill (903)			
	Montgomery (309)			
	Mt River (303)			
	Piedmont (903)			
	Salem (901)			
	South Stanton (902)			
	Summit (901)			
	Todd's Tavern (302)			
	Travelers Rest (303)			
	Wilderness (305)			

Deviation: 23.58%

Population
2,484
2,484
96,651
4,257
3,218
4,695
4,888
4,470
5,154
3,337
8,879
5,337
5,703
4,519
5,625
4,817
4,805
10,254
9,746
1,988
3,947
3,096

[redacted]

District: 55	Total Population: 81,462	Ideal: 80,010	Deviation: 1.84%
Precincts			Population
085 Hanover (Part)			81,478
Ashcake (103)			2,919
Ashland (301)			7,225
Atlee (304)			4,983
Beaverdam (201)			4,145
Beaverdam Creek (408)			934
Rhoots (202)			1,713
Chickahominy (307)			2,535
Clay (105)			3,080
Coal Spring (305)			3,269
Courthouse (206)			1,730
Elmont (304)			2,876
Farrington (701)			2,903
Georgetown (304)			2,996
Golden's Mill (204)			1,405
Hanover Green (604)			2,608
Laurel Meadow (107)			3,381
Mechanicsville (601)			3,554
Montpelier (702)			5,400
Newcastle (707)			3,056
Pebble Creek (405)			2,285
Rockville (703)			2,786
Rural Point (707)			2,077
Shady Grove (303)			1,779
Sliding Hill (104)			3,107
Stony Run (307)			671
Village (601)			4,751
Wilmington Points (203)			3,218
Split precincts			Population
085 Hanover (partial precinct)			4
Stonewall Jackson (602)			4

District: 56	Total Population: 95,087	Ideal: 80,010	Deviation: 18.85%
Counties and Cities			Population
075 Goochland			21,717
109 Louisa			33,153
Precincts			Population
087 Hanover (Part)			40,277
Causeway (101)			2,939
Lauderdale (407)			4,284
Hachale Farm (307)			4,587
Rivers Edge (317)			3,741
Snider (310)			4,613
Shady Grove (311)			4,811
Short Pump (318)			5,730
Stoney Run (314)			4,134
West End (416)			3,472

District: 57	Total Population: 74,980	Ideal: 80,010	Deviation: -6.39%
Counties and Cities			Population
540 Charlottesville			43,475
Precincts			Population
083 Albemarle (Part)			31,625
Agnor-Hurt (304)			4,134
Branchlands (307)			2,221
Dunlora (101)			2,697
Pine Ridge (509)			4,555

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District:	57	Total Population: 74,000	Ideal: 68,010	Deviation: 4.39%
Precinct				Population
	Georgetown (303)			4,751
	Ivy (301)			4,025
	Jack Jouett (201)			3,182
	University Hall (302)			5,240
District:	58	Total Population: 67,482	Ideal: 68,010	Deviation: 5.31%
Counties and Cities				Population
079 Greene				18,403
Precinct				Population
003 Albemarle (Part)				47,159
	Hollfield (204)			1,370
	Hershey (305)			2,318
	Cole (405)			8,105
	Hollysville (403)			3,984
	Red Ivy (304)			3,589
	Pine Union (407)			2,004
	Hollywood (501)			6,682
	Keswick (501)			8,962
	Monticello (402)			2,448
	Northside (106)			3,814
	Scottsville (401)			2,432
	Stone Robinson (406)			3,616
	Stony Point (507)			2,398
	Woodbrook (301)			3,596
065 Fluvanna (Part)				18,440
	Cunningham (401)			4,526
	Palmyra (101)			4,304
	Fluvanna (501)			5,317
	Fluvanna 2 (502)			4,293
Split precincts				Population
137 Orange (partial precincts)				1,470
	Gate West (101)			3,970
District:	59	Total Population: 77,730	Ideal: 68,010	Deviation: 2.89%
Counties and Cities				Population
011 Appomattox				14,973
029 Buckingham				17,146
049 Cumberland				10,052
125 Nelson				15,020
Precincts				Population
003 Albemarle (Part)				9,318
	Country Green (305)			2,912
	Penn's (403)			3,106
	Red Hill (302)			4,010
065 Fluvanna (Part)				7,231
	Columbia (202)			3,905
	Park Union (301)			3,346
147 Prince Edward (Part)				3,990
	Buffalo Heights (302)			1,317
	Prospect (801)			2,673
District:	60	Total Population: 72,140	Ideal: 68,010	Deviation: 6.83%
Counties and Cities				Population
037 Charlotte				12,586
083 Halifax				16,391
Precincts				Population

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District: 60	Total Population: 72,148	Ideal: 80,010	Deviation: -9.83%
Precincts			Population
135 Nottoway (Part)			2,983
Precinct 1-1 (101)			2,983
147 Prince Edward (Part)			10,370
Center (801)			1,622
Darlington Heights (501)			1,695
Farmville (101)			4,502
Hampden (401)			1,031
Leigh (301)			1,889
Lockett (201)			2,748
Mt. Pleasant (302)			1,034
West End (701)			3,137
Split precincts			Population
135 Nottoway (partial precinct)			958
Precinct 2-1 (201)			18
Precinct 3-1 (301)			940

District: 61	Total Population: 71,435	Ideal: 80,010	Deviation: -10.73%
Counties and Cities			Population
007 Amelia			13,000
117 Mecklenburg			32,727
Precincts			Population
025 Brunswick (Part)			1,870
Dromgoole (301)			523
Tillman (103)			1,347
111 Lunenburg (Part)			9,721
Arrowhead Gun Club (901)			530
Brown's Store (201)			1,305
Flat Rock (502)			536
Meherrin Fire Dept (701)			743
Peoples Community Center (302)			932
Pleasant Grove (402)			1,509
Plymouth (101)			1,151
Rocky Creek (501)			812
Victoria Public Library (702)			2,432
135 Nottoway (Part)			8,789
Precinct 1-2 (102)			1,112
Precinct 3-2 (302)			834
Precinct 3-3 (303)			775
Precinct 4-1 (401)			1,648
Precinct 4-2 (402)			1,339
Precinct 5-1 (501)			1,889
Split precincts			Population
025 Brunswick (partial precinct)			2,911
Brodnax (101)			592
Rock Store (103)			1,321
111 Lunenburg (partial precinct)			697
Hounds Creek (801)			404
Rossford (301)			293
135 Nottoway (partial precinct)			3,123
Precinct 2-1 (201)			2,446
Precinct 3-1 (301)			677

District: 62	Total Population: 76,481	Ideal: 80,010	Deviation: -4.44%
Precincts			Population
041 Chesterfield (Part)			14,689

District:	62	Total Population: 78,401	Ideal: 60,010	Deviation: -4.44%
Precincts				Population
	Bellwood (101)			3,809
	Ilora (104)			4,891
	Salem Church (209)			5,988
087	Henrico (Part)			10,913
	Derry (509)			2,927
	Sandston (515)			3,393
	Town Hall (517)			1,183
	Whitlocks (518)			3,513
670	Hopewell (Part)			12,846
	Ward 3 (303)			3,047
	Ward 4 (401)			3,604
	Ward 5 (501)			3,253
	Ward 7 (701)			2,942
149	Prince George (Part)			10,915
	Blackwater (202)			3,137
	Hland (201)			4,546
	Rosedale (307)			1,103
	Harrison (305)			1,005
	Jefferson Park (309)			0,944
	Richard Bland (101)			1,858
	Rives (106)			1,780
	Templeton (102)			4,821
	Union Branch (103)			3,011
Split precincts				Population
041	Chesterfield (partial precincts)			28
	Dutch Gap (110)			28
670	Hopewell (partial precincts)			3,159
	Ward 1 (101)			1,159
149	Prince George (partial precincts)			1,910
	Courts Bldg (204)			1,910

District:	63	Total Population: 73,723	Ideal: 60,010	Deviation: -1.86%
Counties and Cities				Population
053	Dinwiddie			28,001
730	Petersburg			32,430
Precincts				Population
041	Chesterfield (Part)			13,382
	Bmch (301)			9,537
	Matoaca (301)			5,765

District:	64	Total Population: 83,949	Ideal: 60,010	Deviation: 4.91%
Counties and Cities				Population
181	Surry			7,058
830	Williamsburg			14,068
Precincts				Population
620	Franklin city (Part)			1,320
	Precinct 1-1 (101)			1,320
093	Isle of Wight (Part)			14,488
	Bethel (301)			4,617
	Carrollton (202)			3,872
	Courtville (503)			1,217
	Courthouse (901)			2,283
	Gatsi (907)			1,978
	Pons (902)			3,504
	Rescue (305)			519

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District:	68	Total Population: 83,040	Ideal: 88,010	Deviation: 4.91%
Precincts				Population
	Redmoor (301)			2,914
	Smithfield (101)			7,753
	Walters (301)			1,539
	Winslow (402)			3,299
	Zion (304)			2,838
095	James City (Part)			24,337
	Berkeley A Part 1 (101)			4,740
	Berkeley A Part 2 (101.2)			0
	Jamestown A (201)			4,821
	Jamestown B (202)			5,512
	Powhatan B (302)			1,923
	Powhatan D (304)			5,172
	Roberts C Part 1 (3011)			798
	Roberts C Part 2 (3012)			1,370
175	Southampton (Part)			2,661
	Hunterdale (301)			1,909
	Sudley (402)			754

District:	65	Total Population: 88,750	Ideal: 88,010	Deviation: 12.22%
Counties and Cities				Population
145	Powhatan			28,848
Precincts				Population
041	Chesterfield (Part)			59,661
	Brandermill (403)			4,876
	Broughton (312)			7,232
	Harbour Pointe (401)			2,985
	Midlothian (103)			8,661
	Salisbury (309)			5,093
	Stonegate (309)			6,195
	Swansboro (406)			3,061
	Swift Creek (411)			3,951
	Sycamore (310)			4,334
	Tomahawk (310)			4,246
	Watkins (314)			4,977
	Woodridge (313)			4,948
Split precincts				Population
041	Chesterfield (partial precinct)			2,681
	Manassas (407)			2,681

District:	66	Total Population: 88,542	Ideal: 88,010	Deviation: 10.65%
Counties and Cities				Population
570	Colonial Heights			17,411
Precincts				Population
041	Chesterfield (Part)			68,110
	Bailey Bridge (315)			5,910
	Beach (305)			1,479
	Carver (112)			1,980
	Bexill (108)			5,975
	Ebenbark Scott (109)			7,977
	Hanovergate (106)			7,023
	Iron Bridge (111)			6,131
	Meade (211)			4,966
	North Chester (104)			4,975
	South Chester (103)			5,708
	Wells (307)			4,047
	Winfree Stone (304)			5,453

District: 66	Total Population: 80,542	Ideal: 80,010		Deviation: 10.60%
Precincts				Population
Winterpark (390)				4,727
Split precincts				Population
041 Chesterfield (partial precincts)				2,821
Dutch Gap (110)				2,821
District: 67	Total Population: 87,407	Ideal: 80,010		Deviation: 9.31%
Precincts				Population
019 Pemlico (Part)				28,648
Brookfield (907)				8,055
Courtsquare (944)				7,062
Cub Run (983)				5,625
Dulles (904)				3,999
Poindexter (943)				5,210
Greenbriar East (946)				6,222
Greenbriar West (947)				4,049
Lees Corner (938)				4,350
Lees Corner West (927)				5,040
London Towne East (918)				2,744
Navy (941)				5,854
Poplar Tree (930)				3,982
Rocky Run (913)				5,803
Stone (917)				5,954
Waples Mill (910)				5,553
107 Loudoun (Part)				9,098
Dulles South (134)				6,148
Little River (107)				2,660
District: 68	Total Population: 77,107	Ideal: 80,010		Deviation: 4.55%
Precincts				Population
041 Chesterfield (Part)				40,879
Ettrigude (340)				3,381
Black Heath (511)				2,500
Bon Air (305)				3,804
Cranbrook (309)				2,732
Crestwood (345)				2,086
Greenfield (306)				4,646
Hagwood (501)				1,698
Rennie (406)				6,138
Robious (304)				5,278
Shenandoah (413)				4,356
Wagstaff (430)				2,611
105 Richmond city (Part)				33,382
101 (101)				5,228
102 (102)				1,516
104 (104)				2,332
105 (105)				2,216
108 (108)				2,378
112 (112)				1,594
113 (113)				2,631
114 (114)				3,388
204 (204)				2,980
410 (410)				4,393
413 (413)				1,306
Split precincts				Population
041 Chesterfield (partial precincts)				95
Manassas (907)				95

District: 69	Total Population: 71,290	Ideal: 60,010	Deviation: -10.89%
Precincts			Population
041 Chesterfield (Part)			16,092
Beaufont (513)			2,348
Belmont (706)			3,999
Dawn (515)			5,915
Manchester (509)			4,838
760 Richmond city (Part)			51,434
404 (404)			4,760
412 (412)			3,104
501 (501)			2,561
503 (503)			3,518
504 (504)			5,008
509 (509)			3,602
510 (510)			3,456
610 (610)			3,633
802 (802)			2,602
810 (810)			3,010
902 (902)			3,662
908 (908)			2,502
909 (909)			3,005
910 (910)			4,104
911 (911)			3,790
Split precincts			Population
760 Richmond city (partial precincts)			2,803
402 (402)			1,161
811 (811)			1,752

District: 70	Total Population: 70,300	Ideal: 60,010	Deviation: -8.75%
Precincts			Population
041 Chesterfield (Part)			9,489
Harvey's Bluff (105)			9,089
087 Henrico (Part)			30,611
Central Gardens (704)			3,739
Dumas (508)			3,713
Lakeshore (509)			3,932
Moomaw (510)			2,711
Northland (511)			2,841
Stonewood (512)			4,277
Battle (539)			6,733
Sunbrook (516)			2,474
760 Richmond city (Part)			30,360
508 (508)			1,541
609 (609)			2,340
701 (701)			3,872
702 (702)			1,604
703 (703)			3,515
705 (705)			2,013
806 (806)			5,989
812 (812)			4,639
814 (814)			2,773
903 (903)			6,686
Split precincts			Population
760 Richmond city (partial precincts)			5,140
402 (402)			2,907
811 (811)			2,233

District: 71	Total Population: 74,104	Ideal: 60,010	Deviation: 7.27%

District:	**71**	**Total Population:**	**74,184**	**Ideal: 80,010**	**Deviation: -7.27%**
Precincts					**Population**
087 Henrico (Part)					4,587
Hilliard (107)					1,743
Stratford Hall (221)					748
Summit Court (114)					2,076
760 Richmond city (Part)					67,851
203 (203)					2,082
206 (206)					2,797
207 (207)					3,182
208 (208)					3,252
211 (211)					5,295
212 (212)					2,700
213 (213)					4,345
301 (301)					2,299
302 (302)					2,087
303 (303)					3,505
304 (304)					3,062
305 (305)					2,270
306 (306)					3,033
307 (307)					2,161
308 (308)					2,245
505 (505)					2,793
602 (602)					6,046
603 (603)					2,408
606 (606)					3,177
607 (607)					2,178
706 (706)					6,574
707 (707)					5,662
Split precincts					**Population**
760 Richmond city (partial precincts)					1,776
309 (309)					1,776

District:	**72**	**Total Population:**	**81,778**	**Ideal: 80,010**	**Deviation: 2.21%**
Precincts					**Population**
087 Henrico (Part)					81,778
Byrd (401)					3,570
Cedarfield (102)					3,041
Cockpit (104)					5,611
Gayton (904)					4,836
Glen Allen (103)					4,046
Godwin (905)					2,863
Hungary Creek (110)					5,005
Hunton (106)					1,390
Innsbrook (304)					1,980
Jackson Davis (305)					2,754
Lakewood (906)					3,072
Longan (111)					4,791
Maybeury (908)					3,164
Montrose (909)					3,955
Pemberton (910)					4,683
Pinchbeck (911)					4,896
Providence (308)					3,541
Ridgefield (402)					4,122
Springfield (313)					3,520
Tucker (314)					7,873
Wellborne (917)					3,125

District:	**73**	**Total Population:**	**74,580**	**Ideal: 80,010**	**Deviation: -6.89%**

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District: 73	Total Population: 74,580	Ideal: 69,010	Deviation: 4.89%
Precincts			Populations
087 Hewens (Part)			68,435
Brookland (204)			1,044
Carnivore (303)			4,210
Derbyshire (402)			2,178
Dumbarton (162)			0,632
Freeman (401)			2,297
Glenside (104)			4,720
Greendale (305)			3,130
Hermitage (309)			5,874
Hollybrook (212)			1,119
Isleton (109)			2,154
Lakeside (110)			4,207
Meade Tarrant (112)			1,725
Monument Hills (304)			1,312
Moody (214)			1,544
Mountain (217)			870
Oakview (218)			436
Ridge (308)			2,310
Rollingwood (413)			3,309
Skipcotb (313)			6,130
Spottswood (414)			1,185
Staples Mill (113)			5,025
Three Chopt (315)			2,988
Tuckahoe (415)			4,324
Westwood (115)			2,450
760 Richmond city (Part)			6,065
111 (111)			2,014
409 (409)			4,051

District: 74	Total Population: 80,153	Ideal: 69,010	Deviation: 9.18%
Counties and Cities			Populations
016 Charles City			7,256
Precincts			Populations
087 Hewens (Part)			61,798
Adams (201)			1,055
Austen (202)			5,761
Belmont (203)			3,429
Canterbury (307)			955
Cedar Park (302)			1,864
Chamberlayne (207)			3,055
Dundee (304)			2,949
Elko (507)			974
Fairfield (208)			4,307
Glen Lea (209)			2,293
Greenwood (210)			2,147
Highland Gardens (211)			4,091
Highland Springs (508)			3,851
Hungary (213)			2,302
Longdale (214)			2,432
Maplewood (215)			3,554
Pleasants (314)			5,289
Randolph (219)			397
Ratcliffe (220)			5,221
White (222)			2,405
Yellow Tavern (223)			4,047
670 Hopewell (Part)			6,510

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District: 24	Total Population: 80,153	Ideal: 80,010	Deviation: 0.18%
Precincts			Population
Ward 2 (504)			3,580
Ward 6 (601)			2,929
760 Richmond city (Part)			2,501
604 (604)			2,501
Split precincts			Population
670 Hopewell (partial precincts)			67
Ward 1 (101)			67
149 Prince George (partial precincts)			0
Courts Bldg (304)			0
760 Richmond city (partial precincts)			13
309 (309)			13

District: 25	Total Population: 70,464	Ideal: 80,010	Deviation: -11.94%
Counties and Cities			Population
595 Emporia			5,927
681 Greenville			12,361
181 Sussex			12,087
Precincts			Population
025 Brunswick (Part)			13,617
Alberta (301)			298
Dinwiddie (302)			1,688
Edgerton (203)			1,548
Elsanor (305)			653
Pittsburgh (203)			1,864
King's Store (602)			675
Lawrenceville (501)			1,139
Seymour (304)			649
Sturgeon (403)			4,123
620 Franklin city (Part)			7,256
Precinct 2-1 (203)			1,685
Precinct 3-1 (301)			1,398
Precinct 4-1 (402)			1,518
Precinct 5-1 (503)			1,334
Precinct 6-1 (601)			1,611
661 Isle of Wight (Part)			783
Camps Mill (503)			783
175 Southampton (Part)			15,987
Berlin (101)			1,304
Blackwater River (701)			1,301
Boykins (201)			1,570
Branchville (202)			471
Capron (301)			1,721
Courtland (401)			2,668
Drewryville (401)			2,121
Forks Of The River (102)			857
Ivor (102)			1,590
Meherrin (204)			327
Newsoms (702)			1,138
Sebrell (102)			983
Split precincts			Population
025 Brunswick (partial precincts)			134
Basilone (101)			53
Rock Store (102)			83
111 Lunenburg (partial precincts)			2,501

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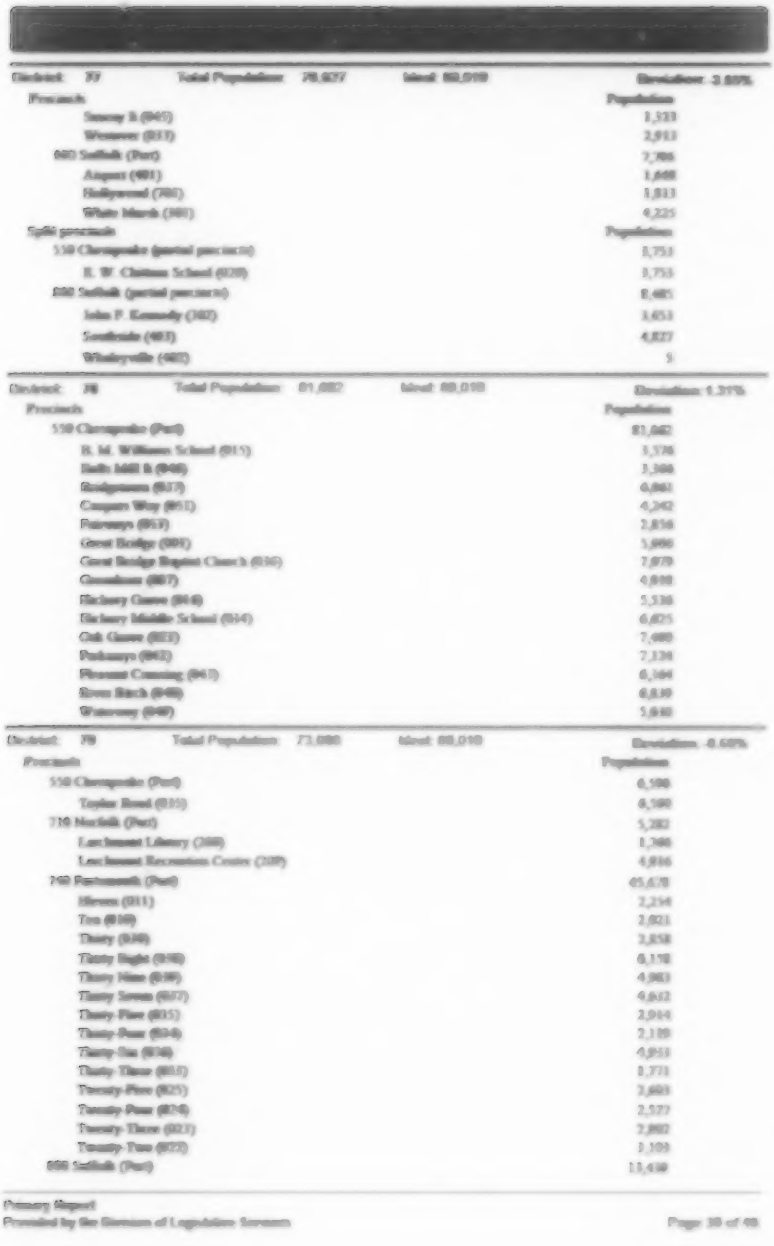
District: 75	Total Population: 70,464	Ideal: 68,010	Deviation: -11.94%
Split precincts			Population
Nansemond (801)			1,485
Riverland (301)			1,010

District: 76	Total Population: 67,939	Ideal: 68,010	Deviation: 10.10%
Precincts			Population
550 Chesapeake (Part)			37,978
Bailey Creek (830)			2,387
Churchland (804)			3,403
Deep Creek (806)			6,138
Fellowship (821)			3,090
Gilmerton (811)			3,544
John T. West (841)			5,912
Jolliff One (819)			2,057
Lake Tomahawk (839)			1,427
Nansemond (844)			2,322
Shipyard Road (852)			1,544
Silverwood (827)			4,374
800 Suffolk (Part)			30,599
Bennetts Creek (104)			3,812
Clearbrook (302)			2,475
Cypress Chapel (301)			757
Dover (102)			8,139
Hunsaker (201)			2,239
Hopkins Park/Westhaven (601)			3,324
Holland (503)			2,389
Holy Neck (301)			1,987
Kilby's Mill (301)			4,423
King's Fork (203)			8,102
Lake Cohoon (504)			1,674
Lakeside (601)			4,178
Nansemond River (703)			5,323
Ohoo Tenney (602)			1,349
Split precincts			Population
550 Chesapeake (partial precincts)			6
E. W. Chittum School (820)			6
800 Suffolk (partial precincts)			2,901
John F. Kennedy (302)			1,242
Southside (403)			3
Whaleyville (407)			2,721

District: 77	Total Population: 70,027	Ideal: 68,010	Deviation: 2.85%
Precincts			Population
550 Chesapeake (Part)			34,963
Crestfield (860)			6,479
Carver School (851)			5,901
Carrollwood (808)			4,895
Greenbrier Park (811)			5,400
Georgetown (863)			5,645
Jolliff Middle School (849)			4,842
Oscar Smith School (810)			2,640
Providence (832)			5,727
River Walk (898)			1,817
South Norfolk (898)			2,116
South Norfolk Recreation (888)			4,941
St. Julians (827)			970
Saucey I (808)			610



District: 39	Total Population: 78,927	Ideal: 80,010		Deviation: -1.35%
Precincts				Population
Surrey 3 (041)				1,333
Wessex (033)				2,913
680 Suffolk (Part)				7,706
Aspect (401)				1,668
Hollywood (301)				1,813
White Marsh (301)				4,225
Split precincts				Population
550 Chesapeake (partial precincts)				3,753
E. W. Chittum School (020)				3,753
810 Suffolk (partial precincts)				8,485
John F. Kennedy (302)				3,653
Southside (403)				4,827
Whaleyville (402)				5
District: 38	Total Population: 81,082	Ideal: 80,010		Deviation: 1.31%
Precincts				Population
550 Chesapeake (Part)				81,082
B. M. Williams School (015)				3,376
Bells Mill 8 (948)				3,300
Bridgestone (837)				6,061
Cougars Way (951)				4,242
Fairways (953)				2,856
Great Bridge (001)				3,900
Great Bridge Baptist Church (036)				7,079
Greenbrier (807)				4,010
Hickory Center (804)				5,336
Hickory Middle School (034)				6,025
Oak Grove (823)				7,980
Parkways (902)				7,139
Pleasant Crossing (841)				6,164
River Birch (840)				6,830
Waterway (949)				5,040
District: 39	Total Population: 73,080	Ideal: 80,010		Deviation: -8.68%
Precincts				Population
550 Chesapeake (Part)				6,500
Taylor Road (035)				6,500
710 Norfolk (Part)				5,282
Larchmont Library (308)				1,300
Larchmont Recreation Center (309)				4,016
740 Portsmouth (Part)				65,678
Haven (031)				2,254
Ten (030)				2,021
Thirty (030)				3,858
Thirty Eight (038)				6,158
Thirty Nine (039)				4,983
Thirty Seven (037)				4,612
Thirty Five (035)				2,914
Thirty Four (034)				2,139
Thirty Six (036)				4,953
Thirty Three (003)				1,771
Twenty Five (025)				2,603
Twenty Four (024)				2,577
Twenty Three (023)				2,892
Twenty Two (022)				3,109
800 Suffolk (Part)				13,430

District:	79	Total Population:	73,080	Ideal: 80,010	Deviation: -8.68%
Precincts					Population
	Harbour View (140)				4,482
	Yonin (705)				9,837
Split precincts					Population
710 Norfolk (partial precincts)					2,079
	Old Dominion (301)				0
	Tanktown Center (104)				574
	Zion Grace (108)				1,586

District:	80	Total Population:	70,586	Ideal: 80,010	Deviation: -11.78%
Precincts					Population
550 Chesapeake (Part)					2,750
	Johnson Park (838)				2,750
710 Norfolk (Part)					11,170
	Berkley (402)				1,771
	Chrysler Museum (211)				1,682
	Taylor Elementary School (215)				4,223
740 Portsmouth (Part)					60,857
	Five (805)				2,830
	Fourteen (814)				2,125
	Nine (809)				1,154
	Nineteen (819)				1,530
	One (801)				3,573
	Seven (807)				2,413
	Seventeen (817)				4,677
	Sixteen (816)				1,669
	Thirteen (813)				2,802
	Thirty-One (831)				4,616
	Thirty-Two (832)				1,830
	Twenty (820)				2,270
	Twenty-Eight (828)				3,042
	Twenty-Nine (829)				1,698
	Twenty-One (821)				1,904
	Twenty-Seven (827)				3,921
	Twenty-Six (826)				2,744
Split precincts					Population
710 Norfolk (partial precincts)					6,794
	Hunton Y (411)				2,125
	Old Dominion (301)				4,669

District:	81	Total Population:	74,468	Ideal: 80,010	Deviation: -6.94%
Precincts					Population
550 Chesapeake (Part)					17,881
	Bells Mill (609)				5,425
	Bethel (902)				4,048
	Greenfield (814)				938
	Green Sea (845)				3,630
	Indian Creek (817)				1,780
810 Virginia Beach (Part)					56,640
	Blackwater (834)				1,219
	Capps Shop (833)				2,804
	Corporate Landing (870)				6,611
	Creeds (837)				1,705
	Culver (863)				0,948
	Magic Hollow (855)				7,389
	Ocean Lakes (801)				6,974
	Redwing (810)				7,389

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District:	81	Total Population:	74,455	Ideal: 59,010	Deviation: -4.34%
Precincts					Population
	Smith (085)				3,987
	Signa (011)				4,548
	Upton (085)				5,896
Split precincts					Population
	810 Virginia Beach (partial precincts)				125
	Brookwood (077)				26
	Rudee (072)				99

District:	82	Total Population:	70,417	Ideal: 59,010	Deviation: -11.39%
Precincts					Population
	810 Virginia Beach (Part)				66,569
	Alanton (006)				4,389
	Cape Henry (011)				4,913
	Colony (075)				4,240
	Hermes Shore (067)				7,856
	Great Neck (010)				4,111
	Kings Grant (047)				4,435
	Kingston (007)				3,508
	Lookhaven (004)				4,914
	Little Neck (007)				2,656
	Lynnhaven (049)				3,791
	North Beach (001)				4,101
	Oceana (058)				4,204
	South Beach (002)				5,146
	Tranmoor (069)				3,576
	Windsor (048)				4,951
Split precincts					Population
	810 Virginia Beach (partial precincts)				3,857
	Rudee (072)				3,857

District:	83	Total Population:	73,171	Ideal: 59,010	Deviation: -8.55%
Precincts					Population
	810 Virginia Beach (Part)				67,138
	Acopass (016)				7,280
	Bayside (020)				2,361
	Bessey (040)				3,442
	Chesapeake Beach (017)				8,130
	Edgewood (008)				3,952
	Lake Joyce (060)				2,752
	Lake Smith (019)				2,297
	Ocean Park (017)				3,836
	Old Donation (015)				5,636
	Pembroke (030)				6,005
	Pleasant Hill (079)				4,134
	Shell (080)				4,536
	Shelton Park (059)				3,994
	Thoroughgood (018)				4,626
	Whitehurst (036)				4,577
Split precincts					Population
	810 Virginia Beach (partial precincts)				6,033
	Davis Corner (021)				6,033

District:	84	Total Population:	77,735	Ideal: 59,010	Deviation: 2.84%
Precincts					Population
	810 Virginia Beach (Part)				72,951
	Bircher (074)				4,745

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District: 84	Total Population: 77,730	Ideal: 69,010	Deviation: 2.04%
Precincts			Population
Candleman (815)			3,833
Cromwell (854)			3,221
Fairfax (868)			3,669
Green Run (946)			7,782
Holland (829)			7,820
Hunt (866)			3,725
Landstown (967)			4,972
London Bridge (886)			5,568
North Landing (980)			4,899
Pinewood (894)			2,488
Pleas (912)			5,585
Rock Lake (981)			5,048
Strathmore (967)			3,656
Stonebridge (883)			5,131
Split precincts			Population
810 Virginia Beach (partial precincts)			4,785
Brookwood (877)			4,785

District: 85	Total Population: 74,035	Ideal: 69,010	Deviation: 7.47%
Precincts			Population
810 Virginia Beach (Part)			73,771
Arrowhead (823)			4,736
Avalon (825)			4,587
Bayside (843)			4,823
Centerville (844)			4,777
College Park (841)			3,515
Fairfield (828)			3,290
Homewood (852)			3,727
Lake Christopher (869)			3,873
Larkspur (804)			3,232
Lexington (891)			5,257
Manor (948)			3,716
Point Of View (822)			3,344
Providence (827)			3,920
Rose (949)			3,722
Shannon (951)			3,128
Sherry Park (867)			2,940
Stratford Chase (851)			3,939
Tallwood (864)			5,439
Split precincts			Population
810 Virginia Beach (partial precincts)			264
Colonial (865)			264

District: 86	Total Population: 69,020	Ideal: 69,010	Deviation: 11.27%
Precincts			Population
010 Pender (Part)			61,332
Copperstone (239)			7,394
Plaza (203)			5,204
Pondside (905)			4,710
Prying Pan (255)			5,436
Herndon #5 (319)			6,684
Herndon #7 (320)			8,680
Herndon #3 (324)			8,668
Hutchison (325)			5,043
McNair (257)			7,557
Stuart (230)			1,838

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District: 86	Total Population: 68,029	Ideal: 60,010	Deviation: 11.27%
Precincts			Populations
107 Loudoun (Part)			22,716
Ben Isaacs (211)			2,986
Forest Grove (705)			4,817
Guilford (304)			4,804
Oak Grove (110)			1,704
Park View (302)			5,102
Rolling Ridge (701)			5,118
Sally (701)			4,805

District: 87	Total Population: 71,585	Ideal: 60,010	Deviation: 19.63%
Precincts			Populations
710 Norfolk (Part)			59,589
Arden Gardens (512)			2,871
Bayview School (504)			5,515
Crossroads (511)			5,142
East Ocean View (503)			5,271
Larrymore (509)			3,915
Little Creek (505)			3,099
Northside (103)			3,854
Ocean View Center (506)			4,701
Ocean View School (102)			7,980
Oceanic (508)			3,465
Tarrallton (509)			4,909
Third Presbyterian (510)			4,886
Wesley (217)			4,960
Split precincts			Populations
710 Norfolk (partial precincts)			11,916
Barons Block (406)			2,690
Granby (107)			2,560
Tidestown Center (104)			6,954
Tucker House (105)			18
Zion Grove (108)			54

District: 88	Total Population: 63,120	Ideal: 60,010	Deviation: 10.39%
Precincts			Populations
061 Pasquire (Part)			17,880
Bordeaux (303)			5,737
Lee (104)			1,610
Mooreville (301)			2,979
Opal (105)			2,076
Remington (502)			4,598
177 Spotsylvania (Part)			17,775
Blue Pond (201)			2,824
Granger Hall (103)			3,429
Hazel Run (202)			6,041
Plank Road (101)			5,481
179 Stafford (Part)			61,347
Griffis (301)			4,711
Hampton (703)			5,412
Hartwood (105)			6,185
Rock Hill (201)			4,749
Rocky Run (102)			4,732
Ruxville (202)			5,841
Ruby (203)			3,088
Simpson (103)			2,757
Skidmore (204)			4,910

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District: 88	Total Population: 93,126	Ideal: 68,010	Deviation: 16.39%
Split precincts			Population
179 Suffolk (partial precincts)			13,304
Aspin (401)			3,639
Whitson (702)			3,512
Widewater (302)			6,053

District: 89	Total Population: 74,259	Ideal: 68,010	Deviation: 7.19%
Precincts			Population
710 Norfolk (Part)			67,787
Ballentine (307)			4,798
Calvacca Place School (304)			2,914
Ghent Square (301)			1,978
Ingremont (304)			2,583
Lafayette (305)			1,806
Lafayette Winona (305)			3,365
Lambert's Point (307)			3,557
Lindenwood (308)			2,781
Mowry (310)			1,386
Norview Methodist (308)			3,542
Norview Middle School (309)			4,610
Park Place (312)			4,141
Rosemont (310)			7,097
Sherwood School (313)			2,839
Stuart (314)			4,013
Suburban Park (315)			3,379
Tanner's Creek (302)			3,389
Willard (318)			2,941
Young Park (414)			5,442
Split precincts			Population
710 Norfolk (partial precincts)			6,492
Granby (104)			3,759
Hunton Y (411)			1,987
Sherwood Rec Center (311)			331
Tucker House (105)			1,315

District: 90	Total Population: 71,080	Ideal: 68,010	Deviation: 11.95%
Precincts			Population
550 Chesapeake (Part)			15,398
Indian River (610)			4,185
Norfolk Highlands (822)			3,005
Oaklette (604)			4,834
Tanglewood (609)			3,198
710 Norfolk (Part)			60,572
Bowling Park (303)			5,155
Brambleton (403)			4,071
Campostella (404)			4,522
Chesterfield (405)			3,587
Easton (406)			4,630
Pinetown (409)			4,427
Ingleside (412)			3,277
Poplar Halls (413)			5,134
Union Chapel (313)			2,289
United Way (415)			4,393
810 Virginia Beach (Part)			9,980
Baker (801)			6,539
Newtown (801)			3,441

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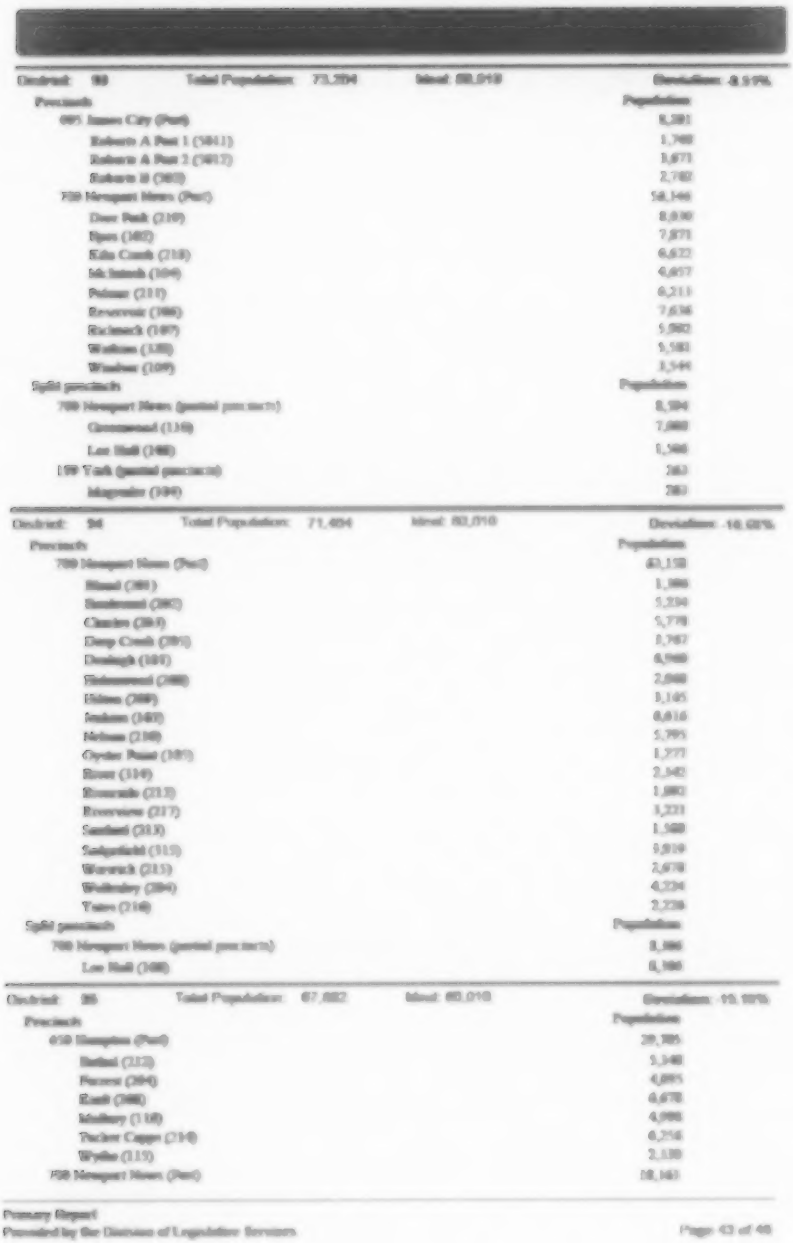
District: 90	Total Population: 71,080	Ideal: 69,010		Deviation: +11.92%
Split precinct				Population
710 Norfolk (partial precincts)				5,515
Berean Black (406)				1,601
Hunton Y (611)				61
Sherwood Ext Center (311)				6,053
810 Virginia Beach (partial precincts)				95
Dawn Center (803)				95
District: 91	Total Population: 64,074	Ideal: 69,010		Deviation: -10.02%
Counties and Cities				Population
735 Poquoson				12,150
Precinct				Population
650 Hampton (Part)				22,853
Booker (301)				5,040
Bucktrout (304)				5,140
Langley (309)				4,760
Phillips (313)				5,870
Spratt (315)				2,030
199 York (Part)				15,172
Dare (402)				6,953
Hayes Grove (307)				4,550
Seaford (301)				3,669
Split precincts				Population
650 Hampton (partial precincts)				11,947
Asbury (305)				5,614
Bryan (302)				5,385
Machen (310)				2,838
199 York (partial precincts)				53
Harwoods Mill (406)				53
District: 92	Total Population: 71,017	Ideal: 69,010		Deviation: +11.24%
Precincts				Population
650 Hampton (Part)				60,779
Aberdeen (101)				3,526
Bayside (302)				4,164
City Hall (303)				4,423
Cooper (104)				7,668
East Hampton (105)				5,866
Hampton Library (111)				1,518
Jones (116)				2,680
Kecoughtan (117)				4,781
Lindsay (107)				3,391
Phenix (109)				5,254
Phoebus (110)				1,430
Sandy Bottom (216)				2,940
Smith (112)				6,537
Thomas (108)				6,956
Tyler (211)				1,704
Split precincts				Population
650 Hampton (partial precincts)				9,238
Armstrong (106)				4,385
Asbury (305)				334
Machen (310)				4,079
District: 93	Total Population: 73,204	Ideal: 69,010		Deviation: -6.51%
Precincts				Population



District: 93	Total Population: 73,204	Ideal: 68,010		Deviation: -8.51%
Precinct			Population	
095 Jones City (Part)			8,381	
Roberts A Part 1 (5011)			1,740	
Roberts A Part 2 (5012)			3,071	
Roberts B (502)			2,702	
720 Newport News (Part)			54,146	
Deer Park (210)			8,030	
Ilges (102)			7,071	
Kiln Creek (218)			6,632	
Mt Sinnah (104)			4,017	
Palmer (211)			6,211	
Reservoir (106)			7,634	
Richneck (107)			5,502	
Walkins (108)			5,582	
Windsor (109)			3,544	
Split precincts			Population	
700 Newport News (partial precincts)			8,594	
Greenwood (110)			7,060	
Lee Hall (108)			1,566	
159 York (partial precincts)			283	
Magruder (104)			283	

District: 94	Total Population: 71,454	Ideal: 68,010		Deviation: -10.02%
Precinct			Population	
700 Newport News (Part)			63,158	
Bland (301)			1,386	
Boulevard (202)			5,230	
Classic (304)			5,778	
Deep Creek (201)			3,787	
Denbigh (101)			6,980	
Hidenwood (208)			2,048	
Hilton (209)			3,145	
Jenkins (303)			6,616	
Nelson (210)			5,795	
Oyster Point (305)			1,277	
River (314)			2,542	
Riverside (213)			1,882	
Riverview (217)			3,233	
Sanford (313)			1,588	
Sedgefield (315)			3,019	
Warwick (215)			2,678	
Walkesley (304)			4,224	
Yates (214)			2,226	
Split precincts			Population	
700 Newport News (partial precincts)			8,296	
Lee Hall (108)			6,196	

District: 95	Total Population: 67,882	Ideal: 68,010		Deviation: -10.10%
Precinct			Population	
650 Hampton (Part)			29,305	
Bethel (312)			5,348	
Factory (204)			4,095	
Kraft (308)			6,678	
Mallory (110)			4,998	
Tucker Capps (214)			6,716	
Wythe (115)			2,130	
700 Newport News (Part)			10,163	

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District:	95	Total Population: 67,982	Ideal: 68,010	Deviation: -0.10%
Precincts				Populations
	Rosefield (302)			4,287
	Caven (303)			3,107
	Clermont (304)			1,807
	Downmere (305)			2,178
	Dunbar (306)			2,159
	Huntington (307)			1,756
	Jefferson (308)			2,600
	Magruder (309)			1,600
	Moreland (310)			2,508
	Newmarket (311)			4,312
	Newsome Park (312)			1,538
	Reed (313)			3,315
	South Morrison (316)			4,675
	Washington (317)			1,152
	Wilson (318)			1,881
Split precincts				Populations
	610 Hampton (partial precincts)			14
	Armstrong (304)			14

District:	96	Total Population: 68,000	Ideal: 68,010	Deviation: 13.49%
Precincts				Populations
	005 Isaacs City (Part)			14,471
	Berkeley B Part 1 (3021)			1,438
	Berkeley B Part 2 (3022)			3,315
	Berkeley C (103)			4,798
	Powhatan A (301)			4,420
	Powhatan C (303)			1,604
	Smarhaven A (404)			3,372
	Smarhaven B (407)			5,915
	Smarhaven C (903)			3,627
	700 Newport News (Part)			6,350
	Saunders (310)			6,350
	199 York (Part)			30,080
	Bethel (305)			9,430
	Coventry (201)			8,802
	Ridgefield (303)			5,335
	Ellis Creek (204)			3,201
	Queens Lake (101)			3,661
	Tabb (501)			3,571
	Waller Mill (102)			3,610
	Yorktown (102)			1,987
Split precincts				Populations
	700 Newport News (partial precincts)			2
	Greenwood (114)			2
	199 York (partial precincts)			14,839
	Harwoods Mill (401)			5,819
	Magruder (304)			5,838

District:	97	Total Population: 67,705	Ideal: 68,010	Deviation: 0.62%
Counties and Cities				Populations
	127 New Kent			18,429
Precincts				Populations
	033 Caroline (Part)			14,874
	Chilesburg (302)			703
	Madison (201)			8,785
	Penola (402)			303

District: 97	Total Population: 87,788	Ideal: 88,010	Deviation: 0.62%
Precincts			Population
Bundy Church (401)			4,663
605 Hanover (Part)			14,576
Battlefield (401)			3,274
Black Creek (404)			2,824
Cold Harbor (405)			5,055
Old Church (402)			2,235
Studley (304)			1,791
Totopotomoy (305)			795
607 Henrico (Part)			2,386
Antioch (501)			2,305
Chickahominy (503)			3,205
Nine Mile (513)			2,160
097 King and Queen (Part)			2,991
Clark's (201)			1,458
Dunnsville (101)			1,473
101 King William (Part)			11,718
Aylett (301)			3,304
Courthouse (302)			2,272
Mangohick (501)			3,058
Mount Olivet (401)			2,994
177 Spotsylvania (Part)			7,971
Hayden Corner (302)			4,247
Partlow (101)			3,724
Split precincts			Population
033 Caroline (partial precincts)			5,584
Madison (503)			5,584
085 Hanover (partial precincts)			3,885
Stonewall Jackson (602)			3,885
101 King William (partial precincts)			911
Sweet Hall (302)			911

District: 98	Total Population: 75,200	Ideal: 88,010	Deviation: 6.93%
Counties and Cities			Population
057 Essex			11,151
075 Gloucester			34,858
115 Mathews			8,978
119 Middlesex			10,959
Precincts			Population
097 King and Queen (Part)			4,014
Courthouse (401)			1,272
Old Mill (501)			1,467
Shackleford's (301)			1,275
101 King William (Part)			3,127
West Point (101)			3,127
Split precincts			Population
101 King William (partial precincts)			179
Sweet Hall (301)			179

District: 99	Total Population: 88,410	Ideal: 88,010	Deviation: 0.51%
Counties and Cities			Population
099 King George			23,584
103 Lancaster			11,391
133 Northumberland			12,130
159 Richmond			9,254

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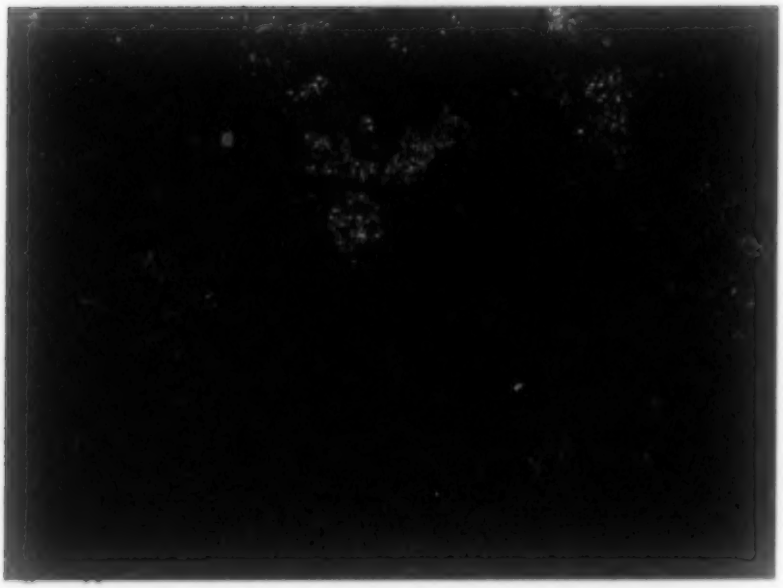
District: 99	Total Population: 80,410	Ideal: 80,010		Deviation: 0.51%
Counties and Cities				Population
191 Westmoreland				17,454
Precincts				Population
033 Caroline (Part)				6,310
Bowling Green (101)				4,730
Port Royal (101)				1,581
Split precincts				Population
033 Caroline (partial precincts)				80
Matta				80
District: 100	Total Population: 71,324	Ideal: 80,010		Deviation: -10.75%
Counties and Cities				Population
069 Accomack				33,164
131 Northampton				12,386
Split precincts				Population
650 Hampton (partial precincts)				0
Bryan (302)				0
710 Norfolk (partial precincts)				25,821
Zion Grace (106)				25,821

Plaintiffs' Exhibit 87

HD 63

Rodden Amended Expert Report p. 34, Figure 10

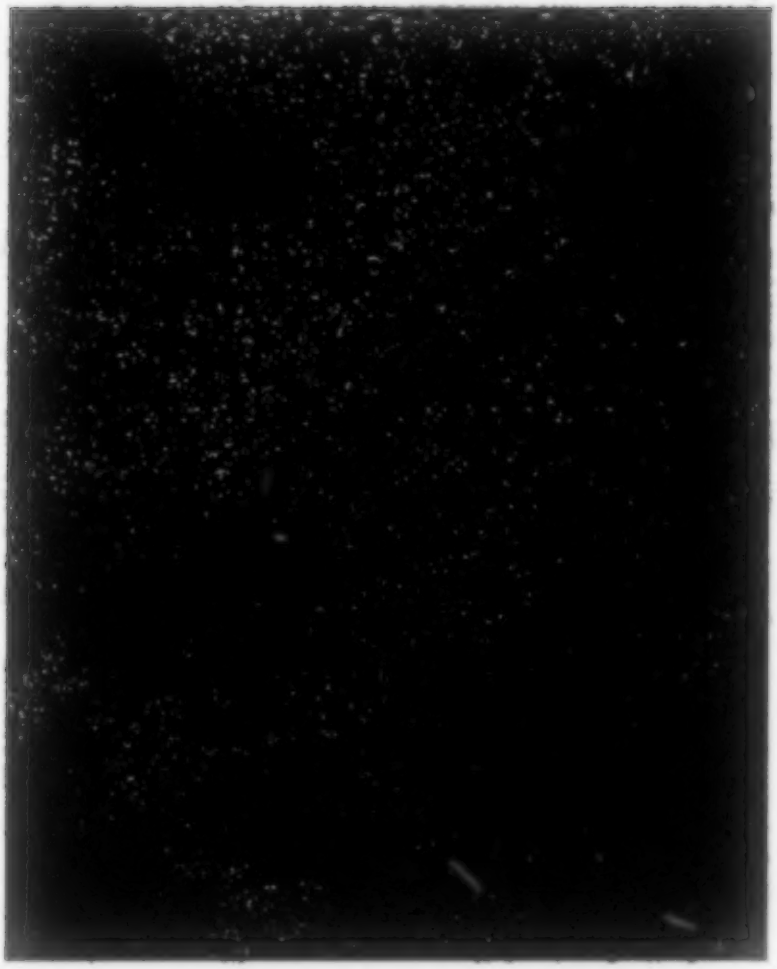
HD 63



Rodden Amended Expert Report p. 36, Figure 11

JA 2939

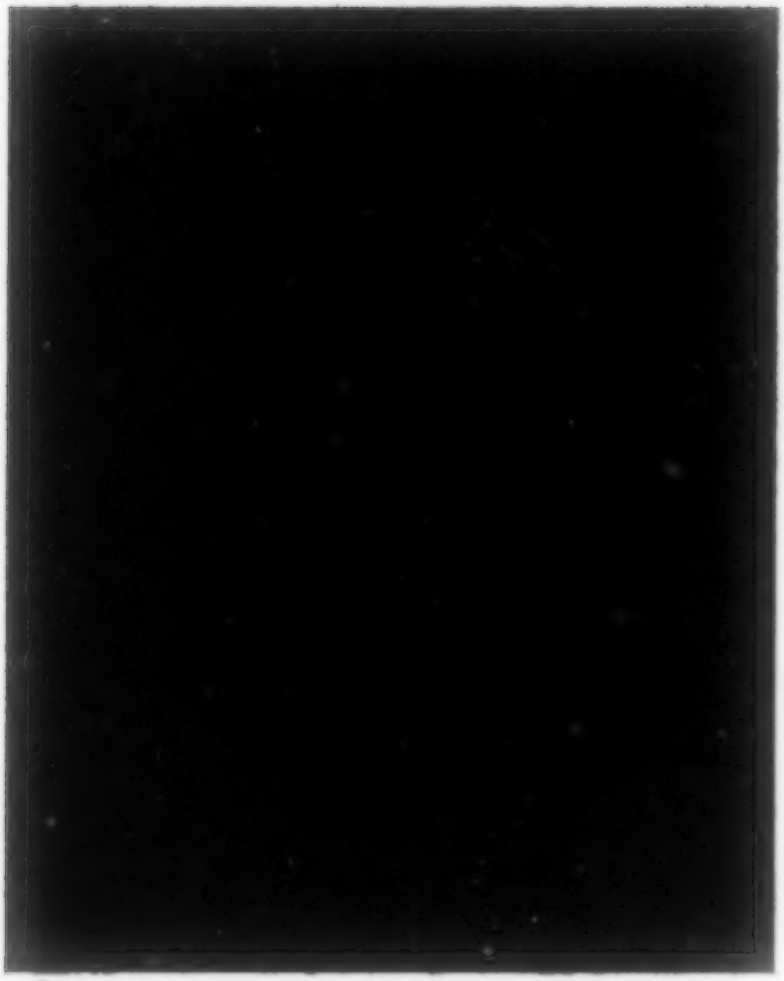
HD 63



Rodden Amended Expert Report p. 38, Figure 12

JA 2940

HD 69



Rodden Amended Expert Report p. 25, Figure 6

JA 2941

HD 70

Rodden Amended Expert Report p. 28, Figure 7

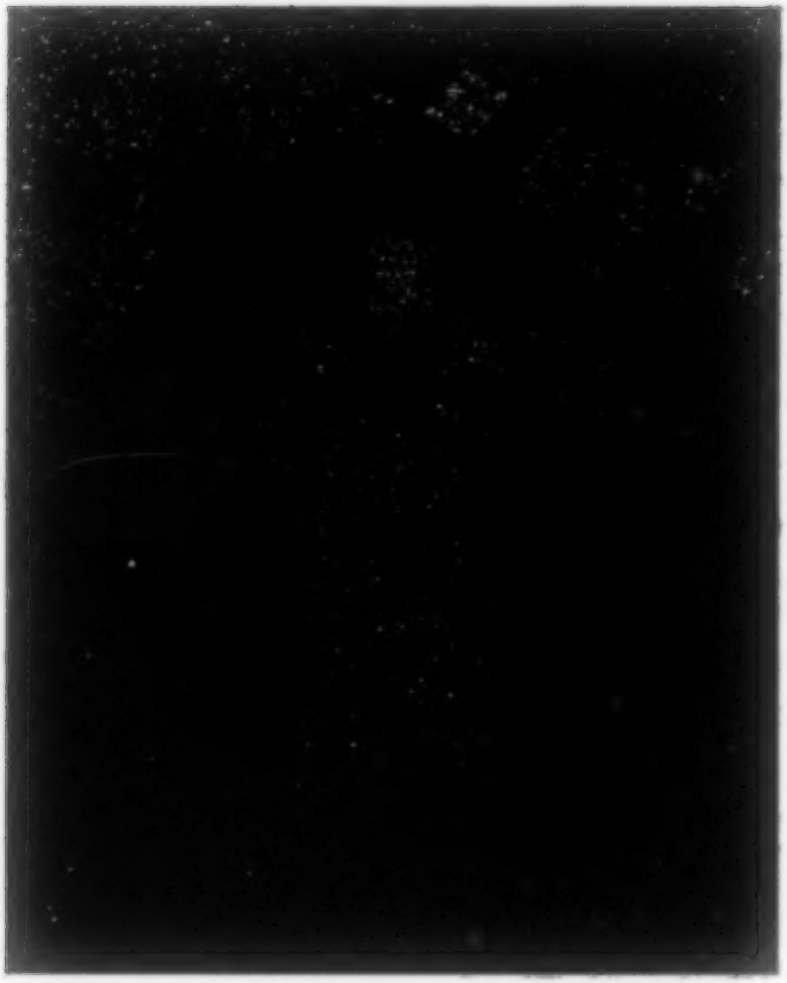
JA 2942

HD 71

Rodden Amended Expert Report p. 18, Figure 4

JA 2943

HD 71



Rodden Amended Expert Report p. 22, Figure 5

JA 2944

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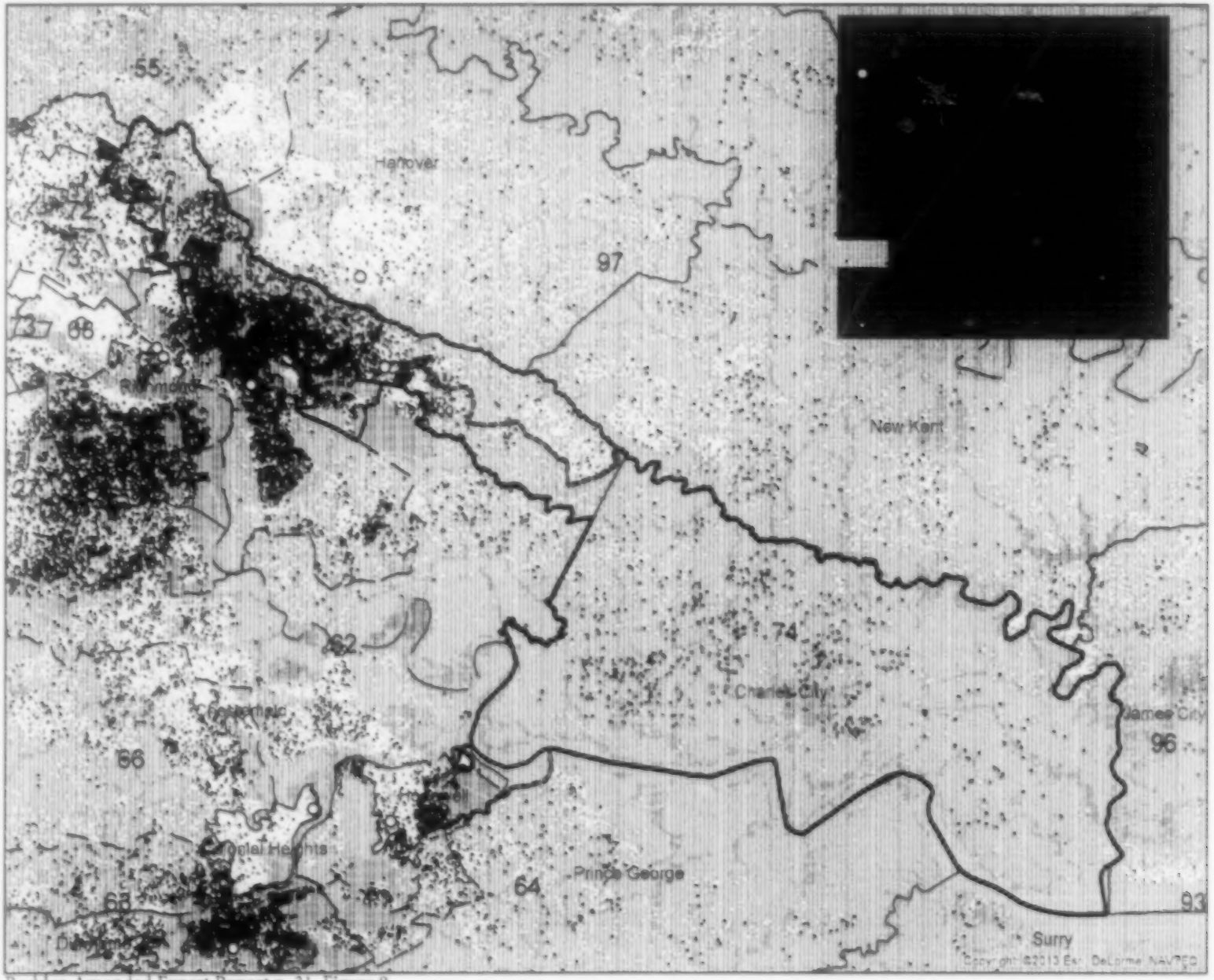

Rodden Amended Expert Report p. 31, Figure 8

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Rodden Amended Expert Report p. 33, Figure 9

JA 2946

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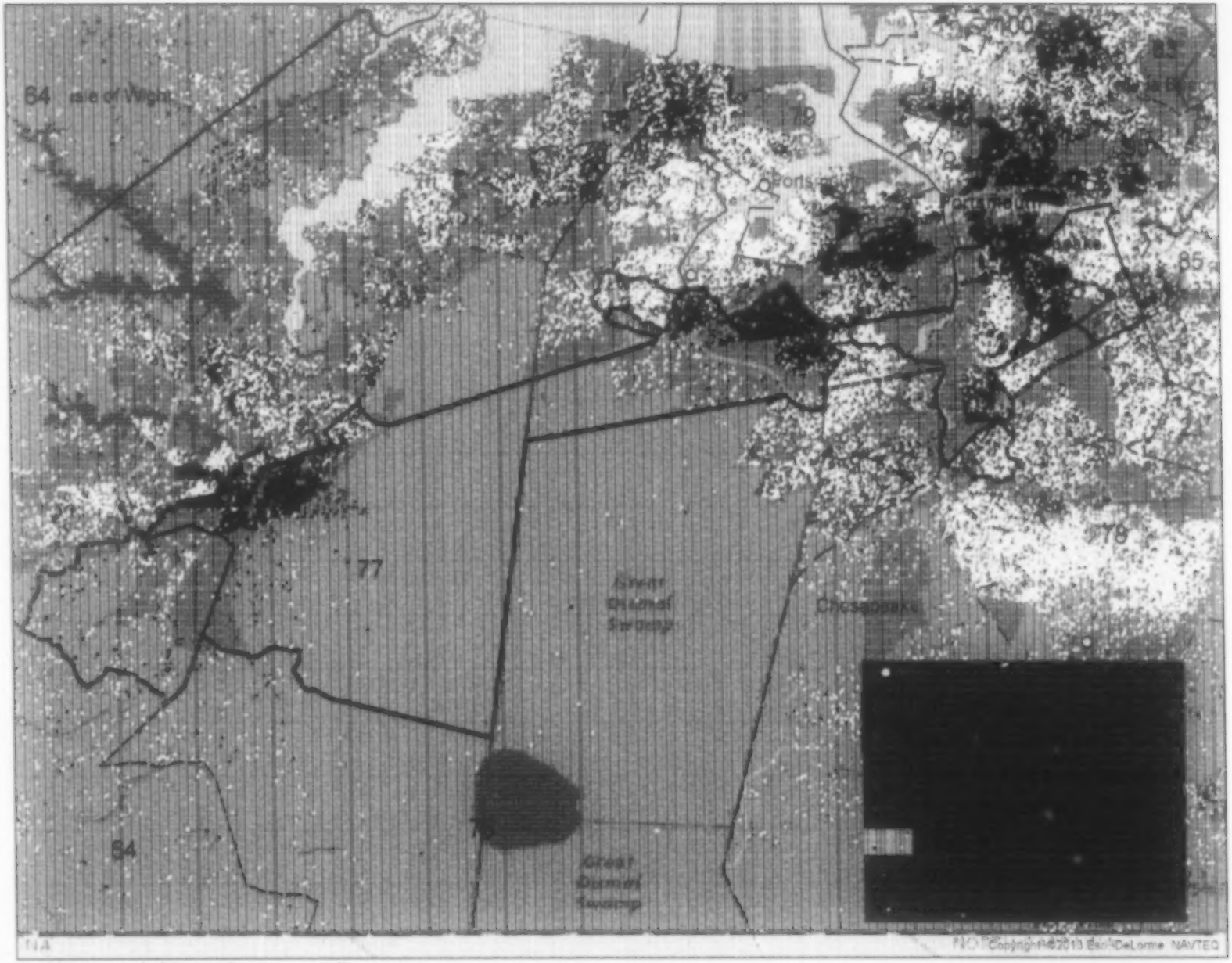

Rodden Amended Expert Report p. 63, Figure 24

JA 2947

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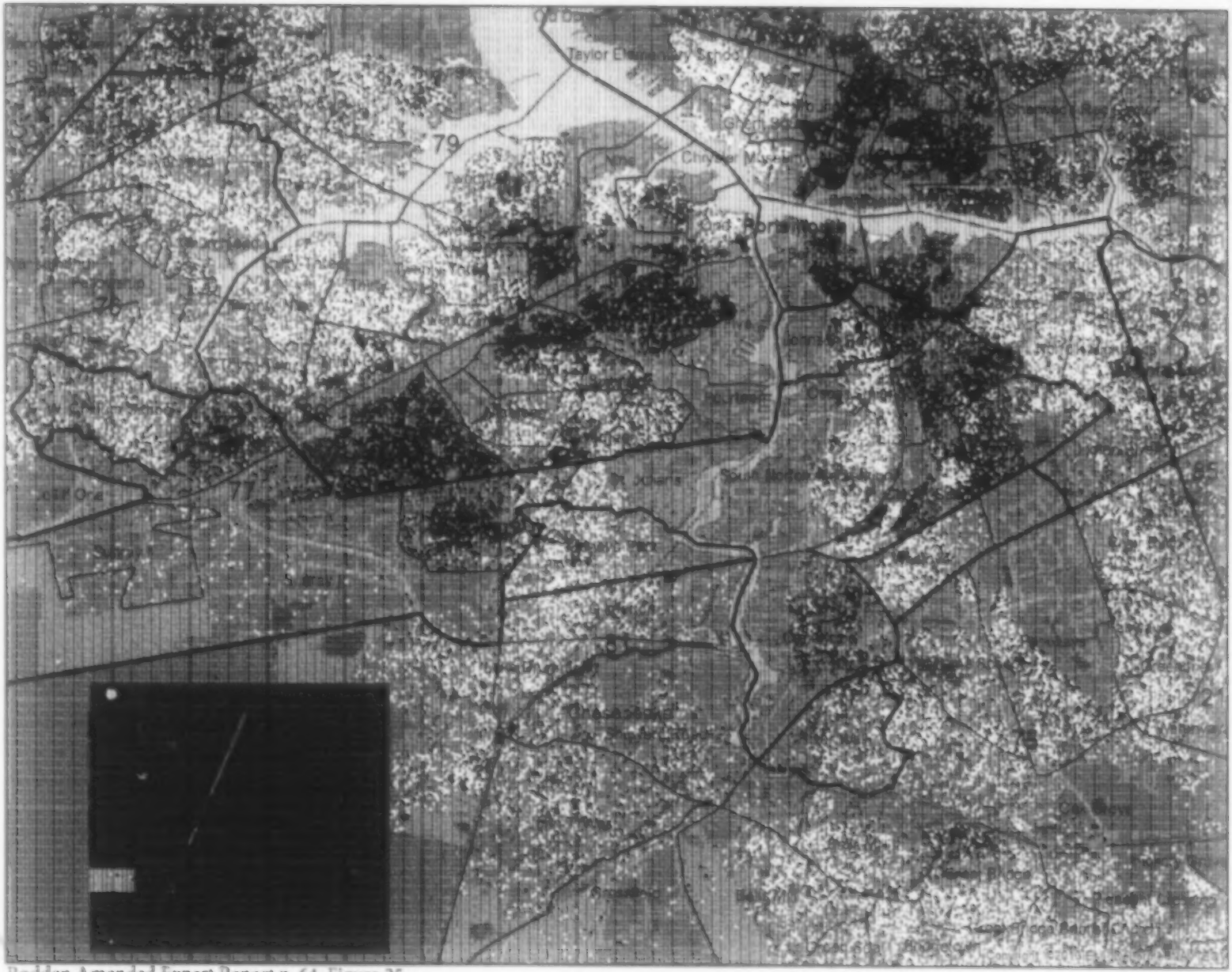

Rodden Amended Expert Report p. 64, Figure 25

HD 77

Rodden Amended Expert Report p. 68, Figure 26

JA 2949

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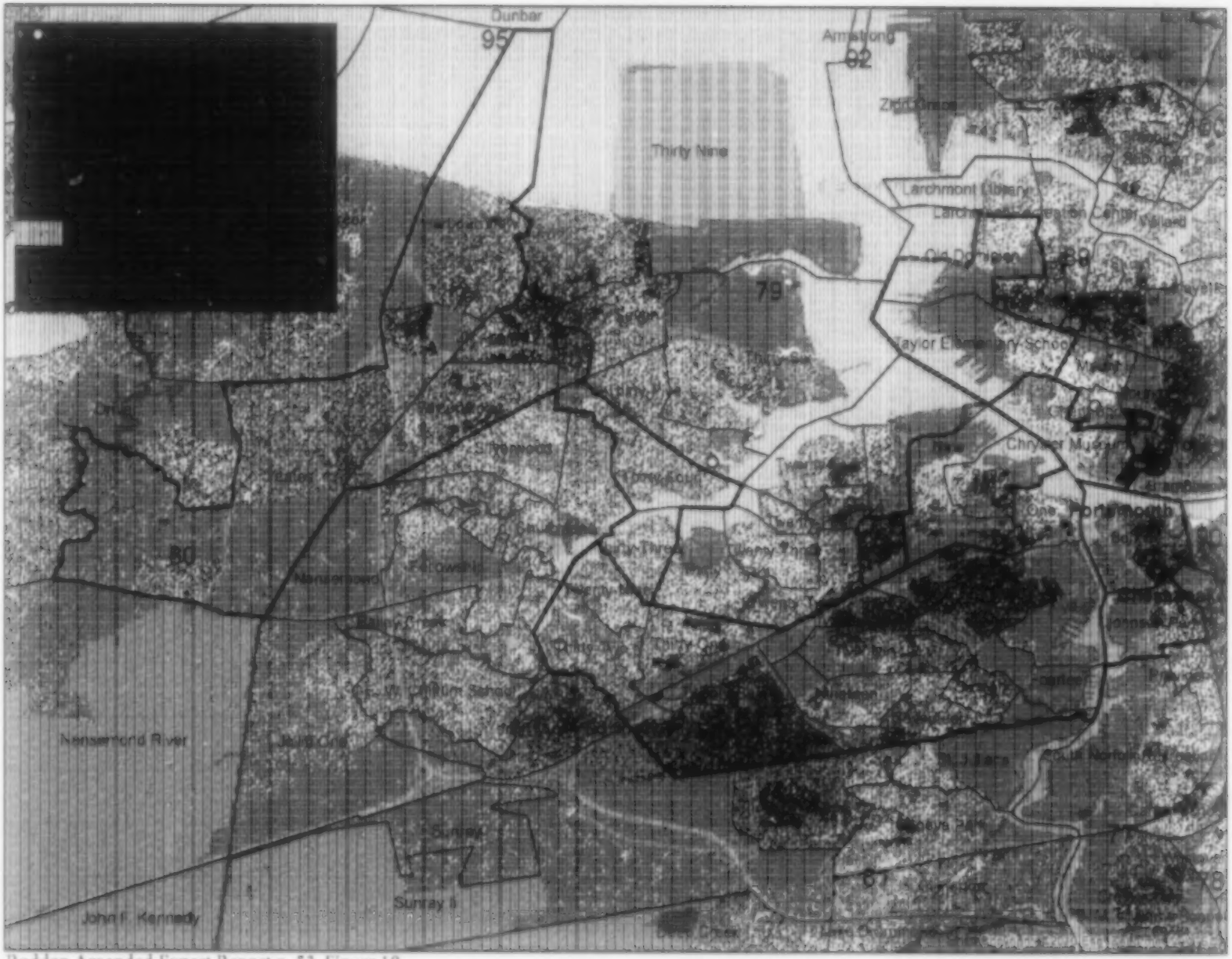


Rodden Amended Expert Report p. 53, Figure 18

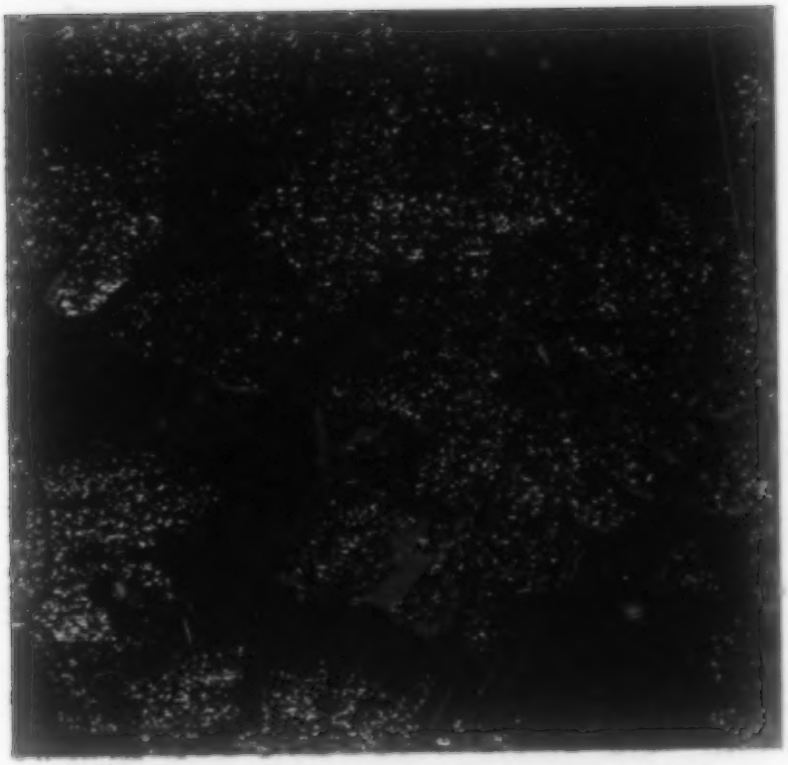
JA 2950

HD 89

Rodden Amended Expert Report p. 56, Figure 19

JA 2951

HD 89



Rodden Amended Expert Report p. 58, Figure 20

HD 90

Rodden Amended Expert Report p. 59, Figure 21

JA 2953

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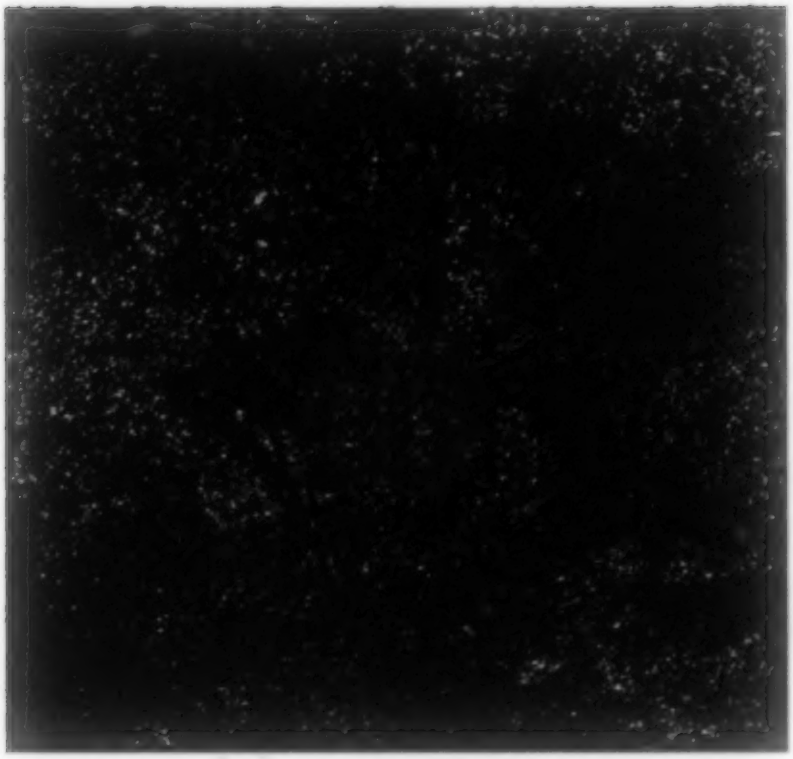
Rodden Amended Expert Report p. 60, Figure 22

JA 2954

HD 90



Rodden Amended Expert Report p. 61, Figure 23

JA 2955

HD 92

Rodden Amended Expert Report p. 50, Figure 17

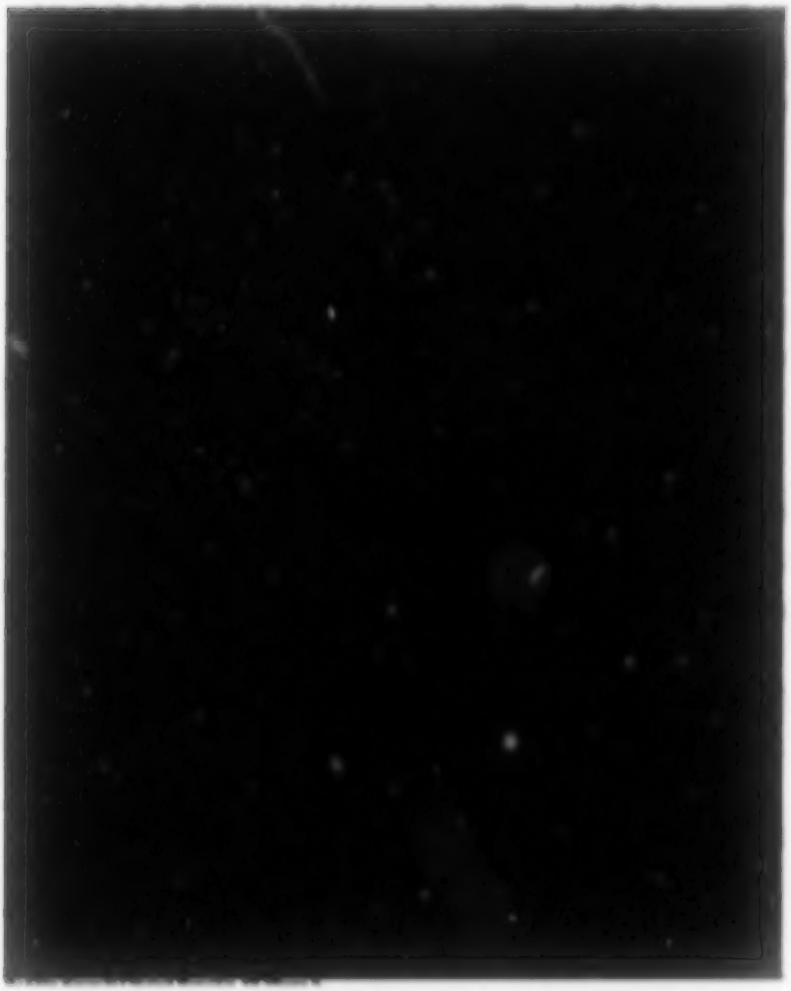
HD 92 and 95

Rodden Amended Expert Report p. 45, figure 15

HD 95

Rodden Amended Expert Report p. 47, Figure 16

The Geography of Race and the 2001 "Benchmark" Boundaries of the Challenged Districts in Richmond and the Tri-City Region



Rodden Amended Expert Report p. 12, Figure 2

The Geography of Race and the HB 5005 Boundaries of the Challenged Districts in Richmond and the Tri-City

Rodden Amended Expert Report p. 14, Figure 3

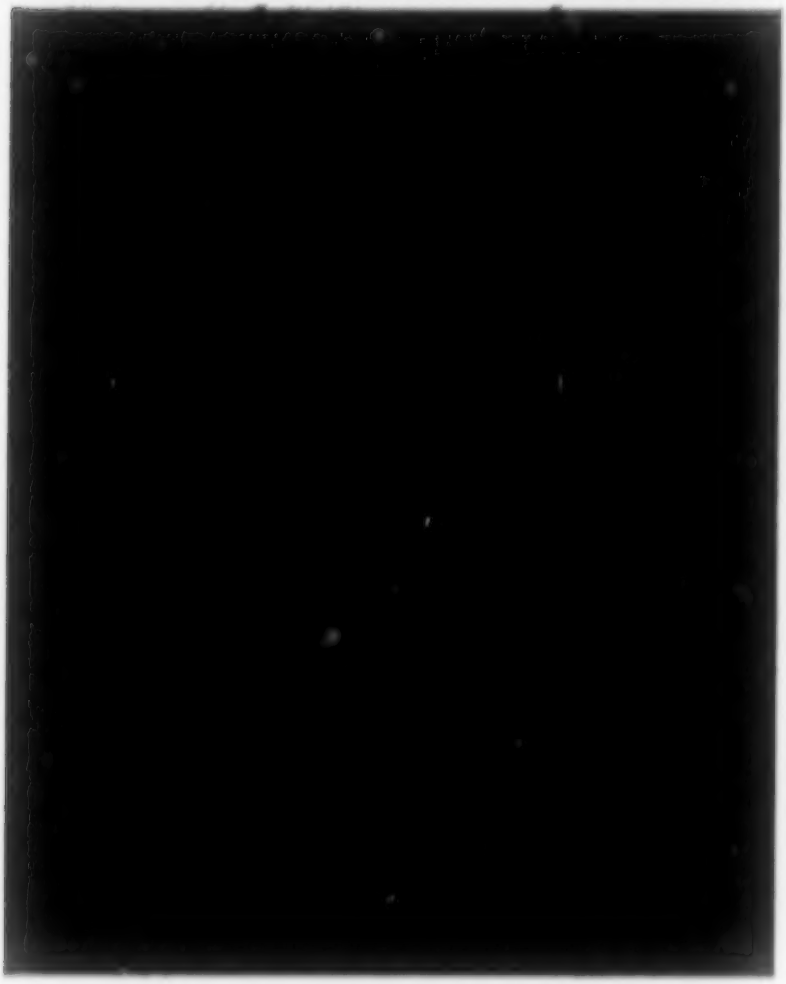
The Geographic Distribution of African American and White Population in Richmond and the Tri-City Region

Rodden Amended Expert Report p. 10, Figure 1

The Geography of Race and the 2001 "Benchmark" Boundaries of the Challenged Districts in the Tidewater Region

Rodden Amended Expert Report p. 42, Figure 13

The Geography of Race and the HB 5005 Boundaries of the Challenged Districts in the Tidewater Region



Rodden Amended Expert Report p. 43, Figure 14

Memorandum of Points and Authorities in Support of Motion of the Virginia House of Delegates and Virginia House of Delegates Speaker William J. Howell to Intervene (ECF 13)

On December 22, 2014, Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda David, Alfreda Gorden, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, and Sheppard Roland Winston (collectively, the "Plaintiffs") filed a complaint seeking declaratory and injunctive relief prohibiting the members of the Virginia Board of Elections and the Commissioner of the Virginia Department of Elections (collectively, the "Defendants") from implementing or conducting further elections on certain legislative districts of the plan enacted by the Virginia General Assembly in 2011 on the grounds that the challenged districts of the Commonwealth of Virginia are unconstitutional. The matter is pending before a three-judge panel.

The Virginia House of Delegates and Virginia House of Delegates Speaker William J. Howell ("Speaker Howell") (collectively, the "Applicants"), file their motion seeking leave of this Court to intervene in this matter (the "Motion") based on established Supreme Court precedent and because none of the current parties adequately represents Applicants' interests in this proceeding. Applicants include parties that drew and enacted the redistricting plan at issue. As such, Applicants have a substantial interest in any redrawing of Virginia's legislative districts to remedy the alleged constitutional violation at issue here. The only way to protect the fairness of this

litigation, ensure presentation of all proper evidence and legal arguments, and lend credibility and finality to the Court's adjudication of this matter is to grant Applicants' Motion. Thus, Applicants respectfully request that this honorable Court allow Applicants to intervene as defendants in order to protect their interest in the subject matter of this litigation.

I. APPLICANTS ARE ENTITLED TO INTERVENE AS A MATTER OF RIGHT

Under Rule 24(a)(2) of the Federal Rules of Civil Procedure, intervention as a matter of right is appropriate when, upon a "timely motion," a party:

> claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(2). The United States Court of Appeals for the Fourth Circuit has interpreted the rule to require that an applicant timely "demonstrate: (1) that they have an interest in the subject matter of the action; (2) that the protection of this interest would be impaired because of the action; and (3) that the applicant's interest is not adequately represented by existing parties to the litigation." *Teague v. Bakker*, 931 F.2d 259, 260-61 (4th Cir. 1991). As outlined below, Applicants meet all of these requirements.

A. Applicants' Intervention is Timely

Applicants' motion to intervene in the above-captioned proceeding is timely. "Where a case has not

progressed beyond the initial pleading stage, a motion to intervene is timely." *United States v. Commonwealth of Virginia*, 282 F.R.D. 403, 405 (E.D. Va. 2012). Such is the case here. Defendants have not yet responded to the complaint on file, no hearings have been held or scheduled, and no adjudication on the merits has taken place.

Furthermore, Applicants' intervention is made without any delay and causes no prejudice to the existing parties. Should this court allow Applicants to intervene at this early stage, they will have an opportunity to assert their defenses and protect their interests without disrupting, delaying, or protracting the litigation. Additionally, as the party that drew the redistricting plan at issue, the Virginia House of Delegates is likely to be in possession of documents and information essential to presentation of all proper evidence and legal arguments. While the existing parties could seek to obtain such evidence through third-party discovery, allowing Applicants to intervene would streamline the discovery process and increase judicial efficiency. Therefore, this Motion is timely and will not cause delay or prejudice any of the existing parties.

B. Applicants Have an Interest in the Litigation That Is Not Adequately Represented by the Existing Parties

Applicants have a vital interest in the subject matter of this litigation, and the existing parties do not represent Applicants' interests. This proceeding concerns a redistricting plan enacted by the Virginia General Assembly in 2011, which plan allegedly discriminates against minority voters in violation of

the United States Constitution. (Compl. ¶¶ 1-2, 26, 104-107.) The Virginia House of Delegates is the legislative body that actually drew the redistricting plan at issue. (Compl. ¶¶ 31-33.) The Supreme Court of the United States has recognized that a state legislative body – whether the state legislature as a whole or one of the bodies of a state legislature – has "the right to intervene" because the legislative body would be "directly affected by [a] District Court's orders." *Sixty-Seventh Minn. State Senate v. Beens*, 406 U.S. 187, 194 (1972).

Here, the Court could task the Virginia House of Delegates with redrawing Virginia's legislative districts. The Virginia House of Delegates, led by Speaker Howell, would be directly affected by any order of this Court affording such relief and, in fact, affording such relief necessarily requires that the Virginia House of Delegates and Speaker Howell are parties to this proceeding. *See* Fed. R. Civ. P. 19(a)(1)(A). None of the current parties to the proceeding has the ability or authority to redraw the challenged legislative districts. The Virginia General Assembly – which includes the Virginia House of Delegates – is constitutionally obligated to prepare and enact a redistricting plan setting forth electoral districts for the state legislature. Va. Const. Art. II, § 6. The Virginia House of Delegates also has an obligation to preserve continuity of representation and ensure that any redrawing of the state legislative districts of the Commonwealth of Virginia does not unnecessarily disrupt constituent representation.

Furthermore, given the Applicants' direct and substantial role in creating the redistricting plan at

issue, the existing parties to the proceeding do not adequately represent Applicants' interests. Ordinarily, "the burden on the applicant of demonstrating a lack of adequate representation 'should be treated as minimal.'" *Teague*, 931 F.2d at 262 (citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)). This standard is easily met here.

As to the existing Plaintiffs, their interests and the interests of Applicants are directly and substantially adverse. Plaintiffs are challenging legislative districts drawn by Applicants. As to the existing Defendants, none adequately represents Applicants' interest in defending the challenged redistricting plan. While the Virginia State Board of Elections and the Virginia Department of Elections are responsible for implementing the plan, they had no involvement in the enactment of the challenged plan, and neither has any particular interest in defending the validity of the plan. Applicants, however, because they actually drew and enacted the challenged redistricting plan, have a substantial interest in defending the plan and could suffer severe prejudice if this Court were to prevent them from intervening to make sure that their voices are heard. Applicants have timely identified a substantial and distinct interest in the subject matter of this litigation, which interest is not adequately represented by the existing parties, and the failure of this Court to grant Applicants leave to intervene would preclude Applicants from protecting their interest. Therefore, Applicants should be granted leave to intervene as a matter of right.

II. IN THE ALTERNATIVE, APPLICANTS ARE ENTITLED TO PERMISSIVE INTERVENTION

Alternatively, this Court should permit Applicants to intervene pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. Rule 24(b) provides for permissive intervention where a party timely files a motion and "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). "In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

The arguments set forth in Part I, infra, establish the criteria for permissive intervention. The significance of this matter to Applicants is without question. The existing Defendants, who did not take part in drawing the redistricting plan, will not adequately represent Applicants' interest in defending the plan. Similarly, the existing Plaintiffs, who challenge the plan, are directly adverse to Applicants. Allowing the case to go forward without intervention likely would damage Applicants' interests and, if Plaintiffs were to prevail, make it impossible for the Court to afford the relief sought by Plaintiffs. The only way to protect the fairness of this litigation, ensure presentation of all proper evidence and legal arguments, and lend credibility and finality to the Court's adjudication of this matter is to grant Applicants' Motion. Furthermore, neither this Court nor the remaining parties will be prejudiced by Applicants' intervention. This application is timely and has been filed without delay.

III. CONCLUSION

For the reasons set forth above, Applicants respectfully request that their Motion be granted, and that this honorable Court allow Applicants to intervene as defendants in order to protect their interest in the subject matter of this litigation.

* * *

Defendants' Statement of Position on Motion to Intervene (ECF 21)

COME NOW, the Virginia State Board of Elections, Charlie Judd, Kimberly Bowers, James B. Alcorn, the Virginia Department of Elections, and Edgardo Cortes (collectively, "Defendants"), by counsel, and per the Court's directive of February 2, 2015, state they do not take a position with respect to the pending Motion to Intervene by the Virginia House of Delegates and William J. Howell. (Dkt. # 12).

Respectfully submitted,

s/Jeffrey P. Brundage
Jeffrey P. Brundage

* * *

February 2, 2015

Plaintiffs' Response to Motion to Intervene (Feb. 2, 2015) (ECF 22)

Plaintiffs Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston (collectively, "Plaintiffs"), by counsel, and in accordance with the Court's instruction on February 2, 2015, state that they have no objection to the Motion to Intervene filed by the Virginia House of Delegates and Virginia House of Delegates Speaker William J. Howell (Dkt. #12).

* * *

Order (February 3, 2015)

(ECF 26)

Having considered the MOTION OF THE VIRGINIA HOUSE OF DELEGATES AND VIRGINIA HOUSE OF DELEGATES SPEAKER WILLIAM J. HOWELL TO INTERVENE (Docket No. 12), PLAINTIFFS' RESPONSE TO MOTION TO INTERVENE (Docket No. 22), and DEFENDANTS' STATEMENT OF POSITION ON MOTION TO INTERVENE (Docket No. 21), and for good cause shown, the MOTION OF THE VIRGINIA HOUSE OF DELEGATES AND VIRGINIA HOUSE OF DELEGATES SPEAKER WILLIAM J. HOWELL TO INTERVENE is hereby GRANTED. The Defendant-Intervenors are directed forthwith to file and serve their Answer.

It is so ORDERED.

David J. Novak

[handwritten signature]

United States Magistrate Judge

Letter from S. Raphael to D. McNearney
(Oct. 12, 2016)

Dear Ms. McNerney:

I write to notify the Court that Defendants-Appellees-the Virginia State Board of Elections, Chairman James B. Alcorn, Vice-Chair Clara Belle Wheeler, Secretary Singleton B. McAllister, the Virginia Department of Elections, and Commissioner Edgardo Cortes-will not be filing a brief in this appeal.

The district court noted that, because these parties merely "implement elections but do not draw the districts, the Defendants allowed the [Intervenors-Appellees, the Virginia House of Delegates and Speaker William J. Howell] to carry the burden of litigation but joined the Intervenors' arguments at the close of the case." J.S. App. 5a (citations and quotations omitted). As in the district court, Defendants-Appellees are monitoring the case closely, but to avoid unnecessary duplication of expense to Virginia taxpayers, Intervenors-Appellees will take the lead in this appeal in defending the redistricting legislation that they enacted.

Respectfully yours,

[handwritten signature]

Stuart A. Raphael

Solicitor General of Virginia

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